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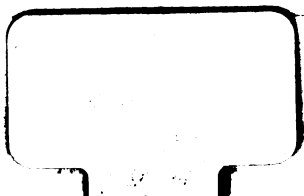
**JAMES WALKER, D.D., LL.D.,**

(Class of 1814),

FORMER PRESIDENT OF HARVARD COLLEGE;

“Preference being given to works in the  
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*7 May, 1890.*



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## **COMBINATION AND COERCION**

*BY THE SAME AUTHOR.*

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**PEEL AND O'CONNELL:** a Review of the Irish Policy of Parliament from the Act of Union to the Death of Sir Robert Peel. Demy 8vo. 10s. 6d.

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COMBINATION AND COERCION  
IN IRELAND

*A SEQUEL TO 'INCIDENTS OF COERCION'*

BY

THE RIGHT HON.

*George (John)*

G. SHAW LEFEVRE, M.P.

*SECOND EDITION*

LONDON

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## PREFACE

HAVING occasion to cross the Irish Channel in December, 1889, for the purpose of attending the meeting of the Tenants' Defence Association in Galway, and of receiving the freedom of the town of Drogheda, I took the opportunity of visiting some of the estates, where disputes between landlords and tenants are still unhappily unsettled, such as Coolgreaney, near Arklow, the Ponsonby estate, near Youghal, Luggacurren, and Mr. Smith-Barry's property in the town of Tipperary. I was also able at Galway and Drogheda to obtain information as to the recent progress of the disputes on the Clanricarde and Massereene estates.

With this information I have written the following chapters as a sequel to 'Incidents of Coercion,' which I published eighteen months ago, and as further illustration of the use, almost the sole use, which is made of the Coercion Act in putting down combinations of tenants.

I have also desired to put on record the advice which I gave to the tenants of the Clanricarde and Massereene estates, and my reasons for holding that they are justified, under present circumstances, in continuing their combination, and in refusing to come to terms with their landlords

except upon the condition of the reinstatement in their holdings of the tenants already evicted.

In my narrative of many of the cases, I have been much indebted to the able letters of the commissioner of the *Freeman's Journal*, Mr. T. P. Gill, M.P.; and I have collated them with the statements on the same subjects contained in the letters to the *Times* by Mr. T. W. Russell, M.P., republished in 'Disturbed Ireland,' and in Mr. Hurlbert's 'Ireland Under Coercion.'

I had intended to add a chapter on the Luggacurren dispute, but as my friend, Mr. T. A. Dickson, M.P., tells me that he hopes proposals will shortly be made for its settlement, which might be prejudiced by any public discussion of the case at this moment, I have refrained from doing so.

G. S. L.

*January 15, 1890.*

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## COMBINATION AND COERCION

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### *YOUGHAL*

EARLY in December, 1889, I received an invitation from the recently formed 'Tenants' Defence Association of Ireland to address a convention, to be held at Galway, of the tenants of that county. I owed the invitation to the part which I had taken in Parliament, and in various other ways, on behalf of the Clanricarde tenants, whose eviction and relations to their landlord would naturally form the main topic of discussion at Galway. I crossed the Irish Channel for this purpose, and during the time I was in Ireland I took the occasion of adding to my knowledge and experience of agrarian disputes, by visiting the Ponsonby, Coolgreaney and Luggacurren estates, where grave difficulties exist between landlords and tenants. I also went to Tipperary, the scene of the recent evictions by Mr. Smith-Barry, M.P., and I made inquiries into other cases to which I have referred in later chapters.

Leaving Dublin on December 7, with the intention of going to Youghal and the Ponsonby estate, I took the train for Cork, but finding that the time permitted of a two hours' delay at Thurles, I stopped there and paid a visit to the veteran leader of Irish opinion, Dr. Croke, Archbishop

of Cashel. He received me most kindly, and I heard much from him of the position of things at Tipperary. He telegraphed to Canon Cahill of that town that I would visit him ; and on my arrival at Limerick Junction I found a large deputation, consisting of Canon Cahill and many leading men of Tipperary, who urged me to go at once to that town, so as to be witness of evictions then actually taking place. As, however, I had promised Canon Keller to be with him that night at Youghal, I was obliged to defer till the next week my visit to Tipperary.

On arriving at Youghal I was most kindly received by Canon Keller and his sister Miss Keller. I was greatly pleased to make their acquaintance. I had heard much of them from many friends who had been to Youghal and who had enjoyed their hospitality. Canon Keller exceeded all that I had heard of him. He impressed me as one of the ablest, most reliable, most courageous in action, and most moderate in language of all the many men of his order I have come across during the last three or four years. I wish he could be brought before a Committee of the House of Commons to tell the story of the Ponsonby tenants. Still more do I wish that all members of the House, and especially those sitting on the Tory benches, and who have supported the Government in its coercive policy in Ireland, could have the opportunity that I have had of seeing the results of that policy, with the explanations afforded by so able a guide and so competent a narrator of facts as this parish priest of Youghal.

Let me here say that the police got wind of my arrival at Youghal, and while I was there Canon Keller's house was closely watched by five policemen, who were picketed within a few yards of it. On Sunday, after the Canon was relieved of his duties in his church, he was good enough to take me to see a portion of the Ponsonby estate. The day was an unfortunate one, as there was a thick drizzle of rain ; we

had to go in a closed car. We were accompanied by Mr. Lane, M.P., and Mr. Maurice Healy, M.P., who came over from Cork to meet me. We had not got far out of the town when we perceived that we were followed by an open car with four armed policemen on it. They shadowed us wherever we went, stopping when we stopped, and going on again as we did; and when at any little hamlet there gathered together a few people to meet us, the police came up as near as possible, in order to hear anything that might be said. I took an opportunity of challenging this action. The sergeant in charge at first denied that they were following us. He said that his orders merely were to patrol the district, and that they were only performing their ordinary duties. On further questioning, however, he admitted that he knew who I was, and that he had received orders to follow and watch me.<sup>1</sup>

We passed through a considerable part of the Ponsonby property, stopping here and there to view a derelict farm and a deserted and ruined homestead, or to inspect the huts in which some evicted tenants were housed, and to hear their stories. Nothing could be more melancholy or more pathetic than the scenes which met us in all directions. Among other holdings which we visited was that of Michael Dunagh; it consisted of 52 acres let at 64 $\frac{1}{2}$ l. The tenant had at a great cost constructed an embankment to prevent the river from flooding his farm; at the present time the work would cost at least 600 $\frac{1}{2}$ l. There had been an excellent

<sup>1</sup> Canon Keller has forwarded to me since my return home the following resolution of a meeting at Youghal:—‘That, bearing in mind the studied insult recently offered by the Executive to Mr. Shaw Lefevre on the occasion of his visit to this district, when his footsteps were dogged by the police, and sentinels placed at the house in which he resided, we indignantly protest against so great an outrage upon an ardent friend of Ireland and an ex-Minister of the Crown, and we beg to convey to Mr. Shaw Lefevre the expression of our painful regret at the indignity placed upon him.’



house, now in a state of ruin—tumbled down in part by the battering-ram and in part by the subsequent destruction by emergency men. Dunagh valued his tenant's interests in improvements at 1,000*l.*, and would get that in the market if his rent was reduced by 7*s.* in the pound.

Another case was that of Loughlan, who held 88 acres at a rent of 93*l.*, which had been judicially fixed in 1883. The valuation was 86*l.*; his buildings had been valued by the Land Commission at 800*l.*, but he had actually spent no less than 1,100*l.* on them. In the third house we found a grumpy emergency man installed as caretaker, and in another part of the building were two constables looking after him; they were fine specimens of their class as men, and were most discreet in refusing to answer any questions. The farm-buildings, which had been exceedingly good, were terribly knocked about; some of the outhouses had been wilfully destroyed, simply to supply fuel for the emergency men and police. The farm, which had been largely in tillage, presented a scene of desolation difficult to describe. Thistles and weeds several feet high literally covered the ground; and where the fields were in pasture, rank grass gave them the appearance of having been neglected and allowed to be derelict for years past. Even where the tenants were still in possession, the farms appeared to be much neglected and almost uncultivated. This was explained by the fact that the tenants were constantly in alarm of distrains upon their cattle for rent, and lived in daily fear of being evicted.

Some of the tenants holding larger farms employed three or four labourers, who held cottages and small plots of land as sub-tenants. When evicting the superior tenants it was necessary at law to evict also these sub-tenants. In the earlier stages of this dispute, the practice had been to re-admit these sub-tenants as caretakers of their cottages and holdings, and they had thus become tenants of the landlord and remained in their homes. More recently, however the

landlord had refused to reinstate these sub-tenants. They were evicted equally with their employers ; the object was stated to be to throw upon the funds, out of which the tenants were supported, the additional cost of providing for these sub-tenants. This seems to be a needless aggravation of the dispute ; these labourers are not parties to it ; they are not interested in it ; it does not appear that they were in the combination ; they were ready to pay their old rents to the head landlord, yet they are turned out of their houses, not because of any complaint against them, but in order to increase the difficulties of those actually engaged in the combination, by throwing upon them an obligation to house and maintain these labourers, and consequently to add to the expenses of the combination.

In passing one of the farms Canon Keller gave me this story of what had happened. The tenant had been evicted and an emergency man had been put in as a caretaker ; the house subsequently caught fire and was burnt. The people of the district universally believe that this was due to the negligence of the emergency man, who was given to drink. The landlord claimed compensation from the Grand Jury on the ground that it had been maliciously destroyed by the Campaigners, and he was awarded 220/. The house had been erected by the tenant or his father ; on his eviction the landlord became possessed by law of this property, and he now received 220/. from the ratepayers as compensation for property, which he had not created, for which he had paid nothing, and which so long as the combination continued could be of no value to him. The suggestion that the house had been wilfully destroyed by the Campaigners is absurd to the last degree, as the evicted tenants confidently expect that they will come victorious out of the struggle and will be reinstated in their holdings.

Altogether about ninety families have already been evicted on this estate, including sub-tenants. A large

number of them have been housed in wooden huts specially erected for them ; others have found accommodation in the outhouses of adjoining farms. The huts are well built, roomy, and comfortable. They cost on an average about 40*l.* apiece, and there is no great hardship to the tenants in being temporarily lodged in them. What is more serious is that the tenants so housed, and maintained out of the central fund by monthly payments, are living in a state of idleness. Some few of them are able to get now and then temporary work, but the bulk of them have nothing to do but to lounge about, wistfully looking at the land lately their own at law, and still their own in the universal belief of the country—holdings where their interest equalled that of the landlord, and of which, in the true sense of the term, they were co-owners. The sons of some of the evicted tenants, who were formerly employed on their father's farm, have found employment elsewhere ; others have emigrated, and are now sending home money to sustain their parents.

Upwards of 2,000 acres of this estate are derelict. Not a single farm has been re-let, though every effort has been made by the agent to find tenants. It is alleged on behalf of the owner that money has been made by feeding cattle on the deserted farms. There is no appearance, so far as I could form an opinion, of this having been done on any scale commensurate with the area unoccupied. The evicted men wholly disbelieve in any substantial profit having been made.

Two hundred tenants still in possession of their farms are in constant expectation of being evicted. Preparations are in active progress to house these people. Sixteen huts are already completed, and others are in various stages of preparation. It is intended to house the whole of them within as short a distance of their holdings as possible. Already the cost of maintaining those evicted comes to over 250*l.* a month, and when the remaining 200 families are evicted the cost will be enormously increased, though not

quite in the same proportion, as those already evicted are the larger farmers, who receive a proportionately higher amount for the maintenance of their families than the smaller tenants.

Canon Keller told me as an interesting fact that the sum collected in the parish for the new Tenants' Defence Association amounted to no less than 267*l.*, and that even the evicted tenants made a point of scraping up money to subscribe 3*s.* in the pound on the rateable value of the holdings from which they had been driven, feeling it a point of honour to do their utmost to help on the movement. The assistance to be rendered by this new association is conditional on the tenants in any particular combination being willing and prepared to accept arbitration. There can be no doubt on this point in respect of the Ponsonby tenants. They have repeatedly expressed their willingness to adopt this course. All those I spoke to expressed themselves as most anxious for a settlement, believing themselves in the right, and determined to stand out, but eager for a friendly arbitration of the case.

On our return to Youghal late in the afternoon, after having seen as much as was possible, we dined with Canon Keller, and had much conversation on the state of the district. Canon Keller himself had suffered imprisonment for the cause of the tenants. He had refused to give information respecting the Plan of Campaign in bankruptcy proceedings before Judge Boyd, and was sent to prison for contempt of court. No period being named for the sentence, he remained in prison two months, after which he was released by an order of the Superior Court, an informality having been proved in the proceeding before Judge Boyd. While in prison the Canon was entitled to be treated as a first-class misdemeanant, but in many respects he was subject to petty indignities not usual in such cases in England. He was not allowed to see his friends without the presence of a

warder ; his correspondence was subject to inspection ; little presents which friends intended for him, such as bouquets of flowers or a box of snuff, were taken from them.

Canon Keller has been accused of being the cause of the adoption of the Plan of Campaign by the Ponsonby tenants. He repudiates this. He would not take upon himself the responsibility for so serious a course. The tenants, advised by no outsiders, after long consultation entered upon the struggle. The Canon, believing their cause to be just, threw himself ardently into it when once begun, and has given them the benefit of his advice. He says that the district has been absolutely free from crime in the true sense of the term ; but twenty persons have been sent to prison under the Coercion Act for various acts in connection with the combinations, and many people at Youghal have been convicted and imprisoned for taking part in alleged illegal assemblies, when demonstrations have taken place there on such occasions as the imprisonment of Canon Keller, and the release of Mr. W. O'Brien, M.P.

In the evening I returned by a late train to Cork, and on Monday morning had an interview by arrangement with Mr. Townsend, the agent of Mr. Smith-Barry. As the conversation was of a private character I am unable to repeat what passed. I may say, however, that on my part I did my utmost to urge upon Mr. Townsend, and through him upon Mr. Smith-Barry, the importance, and indeed the necessity, in the interest of all, that the unfortunate dispute on the Ponsonby estate should be settled by arbitration.

### *THE PONSONBY DISPUTE*

THE origin and various phases of the dispute on the Ponsonby estate have been often told on behalf of both sides to it, though not perhaps as a whole. The case, however, is so important in its direct and indirect consequences, with its sequel on the one hand of the syndicate of landlords under the leadership of Mr. Smith-Barry, on the other of the combination of tenants throughout Ireland, under the name of the Tenants' Defence Association, that it is well to put on record in a more permanent form the story of the case as a whole, so far as I have been able to elucidate it. The points of difference between the two sides, though important, are not numerous; and a visit to the district, however short, enables one to judge better than much reading at a distance.

The Ponsonby estate consists of 9,115 acres, in the hands of 246 tenants, with a rental which before recent events was 7,091*l.*, and a valuation of 6,291*l.* The greater part of the land is in pasture, but a not inconsiderable proportion is in tillage, and is considered favourable for the growth of barley. The present owner, Mr. Charles Talbot Ponsonby, a retired naval officer, lives at Langrist House, Petersfield, Hants. He came into possession in 1867, and it is alleged on his behalf that within the next six years he spent nearly 10,000*l.* on improvements, such as building, draining, and road-making. Canon Keller has emphatically denied that any but a very small portion of this was expended for the benefit of the tenants. He has challenged

the production of proofs that even one-sixth of it was spent out of Mr. Ponsonby's pocket and for the benefit of the tenantry, and the challenge has not been taken up. He says that large sums were expended by Mr. Ponsonby on a house which he has never lived in, and on planting and improving the demesne land. The tenants on their part have undoubtedly made all the improvements themselves, have built their houses, drained the land, brought it into superior cultivation, and in some cases made embankments to keep the river from flooding it.

The farms average about 35 acres and 30*l.* rental, but there are many large farms of from one hundred to two hundred acres, and proportionally there are numerous small holdings which are cultivated by the tenants themselves and their families. It is asserted by the landlord that the rents have never been raised within the memory of the oldest inhabitant, except in two or three instances. Canon Keller declares this to be a thoroughly barefaced and brazen assertion, and he quotes Mr. Ponsonby's own admissions that in 1872, while the rents of some mountain land were lowered, the rental of the estate was increased by 500*l.* a year. He says that, although in past times the Ponsonbys were not ranked as evicting landlords, they were all the same rack-renters, who exacted their pound of flesh and gave little or none in return. He also asserts, that when he first knew the tenants twenty-seven years ago as a young curate, 'they were then—nine-tenths of them—what his seniors in the ministry informed him they had long been before—as poverty-stricken, as woe-begone and spiritless a body of tenants as could be found in Munster.'

He alleges that a certain number of the tenants were forced to take leases after the Act of 1870, and he gives as an illustration, among many others, the cases of John Flynn, of Park, whose rent was 97*l.* and valuation only 68*l.*; and of Michael Mahony, of Park, who in 1876 was obliged to

take a lease, when the rent was increased from 65*l.* to 72*l.*, while the valuation was only 43*l.* Both these men have spent over 250*l.* in buildings and improvements, and both have recently been evicted.

In 1881, seventy of the tenants served originating notices under the Land Act of that year, of whom thirty had judicial rents fixed and twenty signed judicial agreements. The reductions then effected were very small. It is asserted that this, and the failure of others to go into the Land Court, was proof that the existing rents were moderate. On the other hand it is said that many were deterred from going into court by the arrears of rent which had accumulated, and that others were chiefly discouraged and disappointed by the very small reductions granted to those who went into court, and which they attributed to external influence of some malign character. 'The body of tenants,' Canon Keller says, 'were so disgusted by the paltry reductions given by the sub-commission that they did not consider it worth the trouble and expense to submit their cases to them.'

The fall of prices and the bad season of 1886 fell with special gravity on the tenantry. Butter and barley were the two products out of which rent was paid. Butter from the estate fell in the Cork market 50 per cent. ; while of the barley crop in that year, the greater proportion was lost through the wetness of the season, and what was saved was of such inferior quality that it fetched less than half the price of 1885. In November, 1885, the tenants had already, under the pressure of bad times and low prices, demanded a general abatement of rent. They had waited on the agent and laid their difficulties before him. Fifteen per cent. was offered to non-judicial tenants, nothing to judicial tenants. The tenants then took counsel together, clubbed their rents, and prepared to defend their cause by a combination. This was months before the Plan of Campaign was dreamt of.



After some delay Mr. Ponsonby agreed to give 20 per cent. to the non-judicial tenants and 10 per cent. to judicial tenants.

By the gale day of the following September, 1886, after a far worse season and still lower prices, the tenants again met, and determined to ask for a larger abatement than the previous year. They demanded 35 per cent. and 25 per cent. respectively. The landlord, through his agent, peremptorily refused to give more than in the previous year. Canon Keller asserts that if the landlord had been prepared to meet the tenants they would have abated their claim, and would have settled at 30 per cent. and 20 per cent., or 10 per cent. in excess of the abatement of the previous year. The agent, however, emphatically refused to discuss any abatement beyond that of 1885; and it has always been declared on behalf of the landlord that the tenants' claim was exorbitant. As against this it is asserted that all the adjoining landowners, including Sir D. Brooke, Mr. Herbert Praed, two Protestant clergymen, and many others, conceded abatements to their tenants in 1886, ranging from 30 to 50 per cent. for land superior in quality, and in many cases let at lower rents. It is also claimed as authority for this view of the case that, in a letter written by Mr. H. Townsend, Mr. Smith-Barry's agent, to Mr. Gyles, the agent of the Land Corporation, who after a time took the management of the Ponsonby estate, he thought that a much larger abatement should have been conceded in 1886. Writing on June 17 of last year (1889), Mr. Townsend said:

‘From what I have seen of the Ponsonby estate I am sorry to say that I believe the Land Commission, if it ever goes before it, will reduce the rents on it very heavily. If the acreage rates are correct, which Barter told me were charged, many will, I expect, go well over 30, but the property is so unevenly let that that average may remain under, as there is some very good land near the sea.

'It is quite good enough for fighting, the tenants having required an equal all-round reduction, and then gone for the Plan of Campaign, but I consider the late agent should have given larger allowances than 20 per cent. on a good deal of the land, and have had all revalued at the commencement of the row. . . . The existing values on light tillage land, which might have been fair fifteen or twenty years ago, are far above the present value. . . . A good deal of the land I saw I was told was rented at twenty shillings, but it will go under the Land Court at twelve shillings or thirteen shillings. I advise Mr. Smith-Barry and other members of the syndicate to make public as soon as possible that they are only fighting the way in which the tenants want to get the rents down.'

Even if this should not be accepted as decisive proof that the tenants' claim was just, it should at all events prove that they had a strong *prima-facie* case in their favour. Here, in fact, was a *bonâ-fide* dispute between the landlord and his tenants; the one prepared in 1886 to concede only what he had granted the previous year, viz. 20 per cent. to non-judicial and 10 per cent. to judicial tenants; the tenants claiming 35 per cent. and 25 per cent., which it is admitted they would have reduced by 5 per cent. if their landlord had been prepared to meet them. This difference of 10 per cent. then has been the cause of all the subsequent troubles. How deplorable it seems that some method was not devised of adjusting it at an early date, and of calling in some independent authority as arbitrator.

The tenants, when they found that the agent was inexorable, met and considered whether they should adopt the Plan of Campaign, then recently invented and explained in *United Ireland*. It is alleged, as it has been in all such cases, that the tenants on this estate have been forced into the combination by external pressure of agitators from a distance with ulterior objects of their own. Canon Keller

and the tenants whom I have spoken to on the subject emphatically deny this. They allege that the combination was purely spontaneous on the part of the tenants. This is the account given of its inception by Canon Keller :—

‘About the middle of November, 1886, a few of the tenants waited on me to ask my advice on the question of their adopting the “Plan of Campaign,” seeing that they despaired of obtaining a fair concession from their landlord. I candidly admit here that I hesitated to advise, much less to urge, them to adopt this course, although I fully believed in the fairness and moderation of their demand. I told them that they, and they alone, should decide that question. It was a step involving possible risks and perils for them, and they should bear all the responsibility. They resolved to call a meeting of the tenants to decide their course of action. The meeting was held at Killeagh on Monday, November 14. Mr. W. S. Lane, the active and devoted member for the division, was invited to attend with one or two other members of Parliament. Not a single clergyman of the district was present on the occasion, all having been engaged on duty elsewhere on that particular day. Mr. Lane and the other speakers at the meeting, without urging any particular course, took pains to impress upon the tenants the grave nature of the question they were to decide. The question was put, and carried, that the Plan should be adopted as the only resource left. It was next considered what amount of reduction should be demanded. Some clamoured for 40, some for 50, and some for 60 per cent. ; but after considerable persuasion and pressure on the part of Mr. Lane and his colleagues, the tenants were induced to lower their demand to 35 per cent. for non-judicial rents, and 25 per cent. for judicial leaseholders. It was, however, well known that the tenants would afterwards have compromised matters with the landlord for 30 and 20 per cent. if he were prepared to meet them in a fair spirit.’ Thus it

was—and I do not think a doubt can rest on the statement—that the combination was entered upon.

Looking back with the knowledge we now have, it is probable that the dispute and its deplorable consequences might have been averted. It is now known that Mr. Ponsonby did not instruct his agent in 1886 to make an absolute refusal of any concession beyond the 20 per cent. and 10 per cent. alluded to. On the contrary he has stated in public that he authorised his agent to go beyond this amount if desirable. It would appear then that the then agent, under the influence of, or in the interest of, other landlords of Cork, rather than in the interest of the estate, precipitated the dispute, and drove the tenants into combination by refusing point-blank, and in the name of the landlord, any concession beyond that made for the previous year.

The owner was an absentee. He could be made use of to fight the battle of landlordism ; and, in the interest of others, issue was joined on his behalf with the tenants, without even going to the limit allowed by his instructions. It is said on behalf of the landlord that the agent was further authorised to wipe off all arrears, provided one year's rent was paid with the promised abatement, which meant a remission of nearly 6,000*l.* due to the landlord. This offer, however, it is admitted was never made, as the agent only received the landlord's sanction to it the day before the adoption of the Plan of Campaign. But why was no effort even then made to bring the dispute to a conclusion ? It is evident that at this early date it was intended, in the interest of others, to make use of Mr. Ponsonby for the purpose of fighting the combinations of tenants, and thenceforward this policy has been continually pursued, and has become more and more apparent.

No further negotiations were entered into for long after the adoption of the Plan of Campaign. The tenants paid

a proportion of their rents into the hands of Mr. Lanè, M.P. ; and the landlord, supported by the forces of the Crown and the powers of the Coercion Act, commenced evictions. In February, 1887, nine tenants were evicted. They were picked out as being the most substantial tenants, and therefore best able to pay. Of these nine, five were leaseholders. Mr. Mahony held under a lease at a rent of 65*l.*, the Government valuation being 49*l.* James Mahony's rent was 63*l.* 15*s.* and the valuation 42*l.* Flavin's rent was 104*l.* and the valuation 66*l.*, and the others in about the same proportion. They would all have been entitled to go into court under the Act passed a few months later in 1887, and would probably have got reductions of rent of more than 30 per cent.

The houses of all these nine tenants are represented in the landlord's statement to be very comfortable, generally slated, and with extensive outhouses. It is not added that these holdings were all erected by the tenants or their ancestors out of their own money and labour, and that their interest in their holdings, as representing their outlay only, was at least equal to that of the landlord. All this has legally passed into the ownership of the landlord ; the houses for the most part have since been devastated and ruined ; and the landlord cannot realise the value of the property which he has thus appropriated, for no one can be found to run counter to the public opinion of the district by hiring these farms.

From that time till the present the dispute has been raging. From time to time batches of evictions have taken place ; the tenants at the evictions have generally barricaded their houses, making it difficult for the bailiffs to effect an entrance ; no resistance amounting to violence to the bailiffs or police has taken place ; several persons, however, have been sent to prison for resisting. In many other ways the landlord has been supported by the Government or by the powers of the Coercion Act.

The landlord attempted to break down the combination through proceedings in bankruptcy. He made some of the tenants bankrupt, and endeavoured to ascertain where the funds of the combination were held. Canon Keller was summoned before Judge Boyd and questioned on the subject. On refusing to give evidence he was sent to prison, as already explained, for contempt of court.

Demonstrations took place at Youghal on Canon Keller being sent to prison and on other occasions; the police interfered roughly to prevent them; they used their batons freely. One man, O'Hanlon, was killed; and it was to the police of Youghal that the late Captain Plunkett sent his oft-quoted telegram, 'Don't hesitate to shoot.' Large numbers of police were drafted into the town and district, and the cost of them was charged on the ratepayers. The cause of Mr. Ponsonby was taken up by the Cork Property Defence Association, under the leadership of Mr. Smith-Barry. Every effort was made to relet the evicted farms, and, failing this, make some profit out of the land as a cattle run.

On their part the tenants made every effort to prevent the success of these attempts. The emergency men were rigidly boycotted. Many tenants have been prosecuted under the Coercion Act for offences in connection with boycotting. It was in respect of cases from this estate that it was finally held, in the well-known judgment of the Court of Exchequer in the Killeagh case, that it was not sufficient in support of a prosecution to show a bare refusal to supply goods to the boycotted persons, but that there must be evidence of a conspiracy to compel and induce others, by something more than mere persuasion, to refuse supplies.

The law costs on the landlord's side must have been enormous. On one occasion a large number of eviction cases were brought in the Supreme Court, and were set down for trial at Wicklow, putting the tenants to great inconvenience and expense. Some technical difficulty was

raised, which prevailed against Mr. Ponsonby, and all these cases were dismissed with costs. It is said the costs entailed on the landlord amounted to an immense sum in these cases only. To what extent Mr. Ponsonby has been heretofore supported by the funds of Mr. Smith-Barry's association is not known.

Towards the end of 1888, negotiations were opened between Mr. Ponsonby and the tenants through the medium of Mr. Brunker, a former agent of Mr. Ponsonby, with a view to a settlement of the dispute by a purchase of their holdings by the tenants under Lord Ashbourne's Act. The terms of purchase first offered were held by the tenants to be excessive; but in further negotiations, Mr. Brunker, acting, as he alleged, with full powers from Mr. Ponsonby, reduced the purchase money from 127,000*l.* to 110,000*l.* This was on January 18, 1889, when he likewise stated that even this sum was not to be considered final. A meeting of the tenants was held on the 20th to consider this offer. It was attended by Canon Keller, by two other priests of the district, and by Mr. Lane, M.P., who explained the effect of the offer. The tenants were unanimous in refusing the terms; but under the pressure of these gentlemen they were induced to make a counter offer of 106,000*l.* Mr. Brunker, in referring later to this, said that 'he had hoped to effect such a modification of it as would enable him to recommend it as a full and fair one.' The difference was small, and no one, says Canon Keller, had the least doubt but that a compromise would be arrived at. It was a condition of this negotiation that the evicted tenants could be replaced in their holdings.

It was at this point, when a settlement had almost been arrived at, that Mr. Smith-Barry's syndicate most unfortunately intervened. Whether it was they objected to a settlement and desired to defeat the combination, in the interest of other landlords, or whether they thought the terms too

favourable to the tenants, and therefore opposed to the interests of others in future transactions, or whether their approval was necessary under some kind of previous understanding with Mr. Ponsonby, is not known. What is certain, on the admission of Mr. Smith-Barry, is that his syndicate of landlords intervened. He denies that an agreement had been nearly arrived at by Mr. Ponsonby and the tenants. He says that there was still a difference of over 20,000*l.* between the offer of Mr. Bruncker and the counter offer of the tenants, as the former was subject to the tenants taking upon themselves various charges, which were not included in the latter. Canon Keller distinctly denies this, and Mr. Bruncker does not appear to have publicly supported the statement of Mr. Smith-Barry.

Be this as it may, it is certain that the syndicate interfered. Mr. Smith-Barry, at a meeting at Brampton, in Huntingdonshire, on May 22, 1889, to his own constituents made an explanation of the objects of the syndicate. 'The Ponsonby estate,' he said, 'has been bought by myself and a few friends. We have bought it for the express purpose of defeating the Plan of Campaign. We hope to inflict such a lesson on those who have taken part in the Plan of Campaign as will deter tenants on other estates from embarking in such an adventure.'

Here, then, are two distinct statements: the one that the syndicate had actually bought the estate; the other that they had done so for the express purpose of punishing the tenants who had adopted the Plan of Campaign. The transaction, therefore, was not one in the usual course of business, for the purpose of exercising the rights of property, and enjoying the proceeds of the estate in the ordinary way, but as a political move, with the object of punishing the tenants in the interests of other landlords.

It appears, moreover, that the statement that they had bought the estate was not accurate. It has since been ad-



mitted in court that Mr. Ponsonby remains the owner ; all proceedings are still carried on in his name. On authority I cannot doubt, I am informed that the position of the syndicate is merely that they have a power of attorney from Mr. Ponsonby to manage the estate, and to take legal proceedings in his name, and that they have not purchased it. In any case, the effect of Mr. Smith-Barry's proceedings was that negotiations for purchase were broken off, much to the regret of Mr. Brunker. 'It was not to be,' he said in a letter to Canon Keller, 'and I deeply regret it.'

It appears that Mr. Smith-Barry's syndicate was in close connection if not identical with the Land Corporation, which has its habitat in Dublin, for the new agent for the management of the property is the agent of the Corporation. This body is concerned in most of the remaining disputes between tenants and their landlords, and has been formed for the express purpose of defeating combinations. It is believed to be in constant communication with the Government. Its hopes of success in this and other cases consisted in the belief that the funds applicable for the relief of evicted tenants were becoming very low, and that the pressure upon them might break up, not only the combination on the Ponsonby estate, but on all the others. In this view it was not desirable that the Ponsonby dispute should be brought to an end as an isolated case.

The Smith-Barry incident aroused public attention in England, and elicited very adverse comments on his action. It was necessary to appease public opinion. Mr. Smith-Barry, therefore, having obtained control over the property, thought it expedient to make an offer to the tenants remaining in possession which should appear to be most liberal. On April 5 he proposed to reduce the rents by 20 per cent. ; to facilitate the going into the Land Court of all who should think this insufficient ; to abate the arrears of rent by the same proportion and by such further amount

as the Land Court should reduce the rent ; to capitalise the remaining arrears, and to charge 3 per cent. on them. Substantially the offer was such as, had it been made in 1886, would have avoided all dispute. It was now made only to the tenants remaining in possession. It took no account of the evicted tenants. They were not to be reinstated in their holdings. They were to be punished in accordance with the declaration at Brampton. They were to serve as a warning to other tenants all over Ireland against combination in the future.

It was obvious that such a proposal could not be entertained for a moment by the tenants. Every consideration of honour and good faith compelled them to insist upon the reinstatement of the evicted tenants. In the opinion of the tenants, not only should the evicted tenants be replaced in their holdings, but their houses should be rebuilt, and they should be relieved of the payment of arrears of rent which had accrued while they were out of their farms. Mr. Smith-Barry's offer was rejected. It is difficult to suppose that the syndicate could have expected otherwise, for in every such dispute the tenants have invariably insisted upon the reinstatement of the evicted tenants, and it must have been well known to the syndicate, that without such a condition a settlement was hopeless.

A correspondence has since been published<sup>1</sup> showing the close connection between Dublin Castle and the Land Corporation. On April 18 a report was received by the Government from Mr. Heard, the divisional commissioner of the district, to this effect : 'Although, as already reported, I believe that the tenants of the Ponsonby estate are anxious to settle, I am beginning to fear that they won't

<sup>1</sup> By the special commissioner of the *Freeman's Journal* on the Plan of Campaign estates. See *Freeman's Journal*, Dec. 19, 1889. It does not appear how this correspondence was obtained. Its genuineness has not been disputed.

be allowed to do so unless the former tenants are taken into consideration. The evicted tenants are a constant drain on the National League funds, and the agitators are naturally anxious to get them off their hands.'

In pursuance of communications to this effect to the Land Corporation, a further offer was made to the tenants, through the agent, as follows :—

'As statements have appeared in the public press implying that Mr. Ponsonby and the purchasers of his estate are not prepared to make any terms with the tenants who have been evicted, you are authorised to deny this allegation, as we are instructed to offer the evicted tenants terms similar to those already communicated to the evicted tenants still in possession, provided the former agree to pay the costs in each case, or in certain instances, interest thereon at 3 per cent. This offer includes those who are still in occupation of their holdings as caretakers as well as those who have been actually evicted.

For the Land Corporation of Ireland.'

The tenants, after considering this fresh offer, found themselves unable to accept it. The evicted tenants were to be called upon to pay arrears of rent for the two or three years during which they had been not in possession, to rebuild their houses, which had been devastated by emergency men since their eviction, and pay the enormous costs which had been run up against them. They were wholly unable to do this. Their land had gone out of cultivation, and it would be two or three years before it could again be turned to profit.

In some proceedings before the Recorder of Cork to enforce further evictions, the tenants offered to leave the future rents to be decided by the Recorder, and to refer the question of arrears, of costs, and of the cost of restoring the

buildings, to arbitration. This has been refused by Mr. Smith-Barry.

On May 30 the divisional commissioner again reported to the Government :—

‘All chance of a settlement appears to be at an end, and the sooner the landlord puts the law in force by evicting the tenants the better. The tenants, not the caretakers, are ploughing up their farms, and encouraged by others, who are in my opinion guilty of conspiracy.’

It appears then that the authorities were engaged in the task of urging on the syndicate to fresh evictions, in lieu of endeavouring to bring the dispute to a conclusion. In pursuance of this policy, further evictions were carried out in May and June of 1889 ; and the sub-tenants were evicted as well as the superior tenants, with the motive already described.

It has been shown that the questions remaining in dispute are comparatively small. The landlord or the syndicate have practically given way on the main points originally in issue. They have offered terms which would gladly have been accepted at the outset of the dispute. They are prepared to reinstate the evicted tenants—the strongest admission that they had been all along in the wrong. The tenants still in possession are only deterred from accepting these terms by a feeling of honour to the evicted tenants, which does the utmost credit to them. They are confident that the terms are such as the evicted tenants cannot carry out. They are ready to refer this remaining question to arbitration. It is certain that Mr. Smith-Barry’s syndicate will not agree to arbitration of this outstanding question only because it would appear like yielding to the combination. They insist upon some condition which imports victory to them.

In Mr. Townsend’s letter to Mr. Gyles already referred to there is a significant passage which is a key to the present position :—

‘I advise Mr. Smith-Barry,’ he said, ‘and the other

members of the syndicate to make public as soon as possible that they are only fighting the way in which the tenants want to get the rents down.'

The letter from the Recorder of Cork to the High Sheriff, announcing the refusal of Mr. Smith-Barry to accede to the proposal of the tenants to refer the remaining points in dispute to arbitration, indicates the same spirit.

'I all along,' he said, 'foresaw that their proposal would not be accepted. It is manifest even to me that, if Mr. Smith-Barry yields in these particulars, it would be at once proclaimed as a complete victory to the Plan of Campaign. Now this the supporters of Mr. Ponsonby will not yield to. I told you that the general question was not a matter of money but the giving triumph to the Plan of Campaign, to which I myself would never yield. . . . Anything that can be twisted into a yielding to the Plan of Campaign Mr. Smith-Barry will not concede whatever be the consequences.'

The meaning of these letters is obvious: the rents all along have been too high in the opinion of Mr. Townsend, and as now practically admitted on all hands. The tenants were justified fully in their original demand. The landlord ought in the first instance to have yielded. The tenants then adopted the only course open to them, that of combining to resist the payment of rents now conceded to have been unjust. The syndicate, however, considers itself justified in proceeding to the bitter end, in evicting the whole of the tenants, in clearing the estate of its population, not because the demand of the tenants has been or is unjust, but because the form in which it has been put forward and insisted upon is, in their opinion, objectionable, and because in the interests of other landlords it is supposed to be necessary to defeat the combinations of tenants.

*THE TIPPERARY CRISIS*

LEAVING Cork, after my interview with Mr. Townsend, I went by train to Limerick Junction. I met there a deputation of the citizens of Tipperary, headed by Canon Cahill. They took me in an open carriage to their town, distant about two miles. I had particularly desired that there might be no demonstration, as I wished to make inquiry into the state of things in the town, and this would not be easy if there should be an assemblage of people. The people, however, got wind of my arrival, and turned out in great numbers to line the streets and to welcome me to the town. A large number of persons followed our carriage to Canon Cahill's house, at the outskirts of the town, and on arriving there, the crowd came into his garden, and I was requested to address them from the steps of the house. Almost immediately, as though by magic, there appeared on the scene a force of police, about thirty strong, with rifles and bayonets. They took up a position on the flank of the crowd, and assumed a very menacing attitude. They were within hearing of me as I spoke. This exhibition of force was very ridiculous, as I do not suppose there were more than 1,000 or 1,500 persons present, who were most orderly. There was not the slightest reason to expect any disturbance, provided the police did not provoke it. Through fear of a possible conflict between the police and the people, I contented myself with saying a few words only, stating that I had come to the town for the purpose of making inquiries

rather than of making a political speech, and that I should reserve what I had to say upon the state of things there for some other occasion.

The crowd then dispersed with perfect order, and the police went their way to their barracks. After lunching with Canon Cahill, I took a walk with him through the town. It presented certainly a strange scene. Every third or fourth house in the principal street was deserted. The shutters were up in the shop windows or the windows were broken. The occupants had submitted to eviction. Many of them were men of considerable means and high position in the town. They had sacrificed property, worth many thousands of pounds, out of sympathy with the movement against Mr. Smith-Barry, who is the ground landlord of the greater part of the town.

In a large number of other cases the tenants are preparing for eviction in a similar manner and for the like reasons. Their effects are being removed from the shops in carts lent in great numbers by the country farmers. In a field at the outskirts of the town, not far from the railway station, temporary houses are being built to accommodate the evicted tradesmen, and plans are already prepared for a new street, to be called 'William O'Brien Street,' and for erecting a mart where those who have been evicted may in future carry on their business. Indeed, if the quarrel be continued it seems probable that the best part of Tipperary will be deserted, and that a new quarter will be built in place of it.

To understand the condition of things it is necessary to go back to where the Ponsonby dispute was left off in the last chapter. The action of Mr. Smith-Barry and his syndicate of landlords created the most profound indignation throughout Ireland, and nowhere more so than in the county of Tipperary.

On Sunday, June 23, an indignation meeting was held in Tipperary, at which the chairman of the Town Commis-

sioners, Canon Cahill, and many others of the leading men of the town were present. Deputations attended of tenants from various districts of the county where Mr. Smith-Barry has property. Mr. William O'Brien, then only recently released from his second period of imprisonment under the Coercion Act, was also present, and made an impassioned speech. 'Mr. Smith-Barry,' he said, 'had claimed a few days earlier in the House of Commons the right to combine with the landlords of other counties for the extermination of a body of rack-rented tenantry with whom he had no connection whatever. If he claims that right, I ask you, the Tipperary tenantry of Mr. Smith-Barry, that you shall claim the right in the same manner to combine with the tenants of other counties to save them from destruction. Your right of combination is unmeasurably stronger than his. . . . I say it will be madness on your part, in your own interest, as well as it would be the foulest treachery, if you do not make this man feel that the battle is your battle as well as that of the Ponsonby tenants.

'I ask you to appoint a deputation, which, in the name of the whole Smith-Barry tenants, will be prepared to wait on Mr. Smith-Barry and Mr. Townsend, and to address them as perfectly civil and perfectly determined Englishmen in these words: "We have given you no trouble on your own estate; we want peace if we can have it, but we are not going to stand idly by while you on behalf of a syndicate of landlords exterminate the Ponsonby tenants." Let them say, "Give up this diabolical work. Stand no more between a settlement for these unfortunate tenants and their landlords. Do this in God's name, and we will forgive and forget. But if you are decided to go on with this devil's work of exterminating your brother Irishmen, then, if you throw in your lot with the landlords, we will throw in our lot with the tenants, and we will never have it said by our children that we had the destruction of four hundred honest Irish



homes upon our heads ;" and having said that much I don't think the deputation are bound to take Mr. Smith-Barry or Mr. Townsend further into their confidence as to what further course of action they may think it necessary to take.'

After this speech a resolution was unanimously agreed upon that 'we condemn the wicked and unprovoked interference of Mr. Smith-Barry and Mr. Townsend upon an estate with which they had no concern ; which interference had the effect of destroying a settlement actually arrived at between Mr. Ponsonby and his tenants, and exposing four hundred tenants to the destruction of their houses and confiscation of their property, in consequence of their inability to pay rack-rents, which they were willing to have submitted to the judgment of any independent tribunal. That steps be taken to appoint a delegation to wait upon Mr. Smith-Barry and Mr. Townsend in the name of the Tipperary tenants, to report with what horror their action has been received in Tipperary, and to demand them to withdraw from the landlord conspiracy against the Ponsonby tenants.'

At a meeting held a few days later, exclusively of Mr. Smith-Barry's Tipperary tenants, a deputation was nominated. It consisted of Canon Cahill, Mr. O'Brien Dalton, one of the leading merchants of Tipperary, and several other gentlemen, including two Protestants and one Englishman resident in that town. It was received by Mr. Smith-Barry at his private house in London, on July 4, in the presence of his wife and Mr. Penrose Fitzgerald, M.P. Canon Cahill stated the case on behalf of the tenants with moderation and courtesy, and concluded by asking Mr. Smith-Barry to withdraw from the syndicate of landlords. Others informed him of the intense feeling which existed on the subject in Tipperary. Mr. Smith-Barry, in reply, read a carefully prepared statement. He said he could not admit that they had the slightest right to demand explanation, or

to interfere in any way between him and his tenants living upon other estates with which he might have some connection, but with which they had none. 'You commenced,' he said, 'in language I cannot help characterising as violent, by saying that you have heard that I have placed myself at the head of a confederacy for the purpose of clearing the Ponsonby estate. I have done nothing of the kind. The object of the future owners of the Ponsonby estate is to bring about an equitable settlement with the tenants, and to save from ruin a landlord who they believe has always endeavoured to act fairly by his tenants. . . . I should be very sorry to have any difference with my tenants either in Tipperary or Cork, and I do not think, on reflection, they will seek to force on a condition of affairs which will lead to any serious consequences. The result of a contest between us would cause comparatively very slight trouble to me, while it would inevitably bring suffering and misfortune to all my tenants, who might be so ill-advised as to listen to the selfish and vindictive advice of those who have themselves nothing to lose by such counsels.

'Of this I can assure you, that even if you were to succeed in ruining me, the situation as regards the Ponsonby tenants would be absolutely unchanged. The future owners, while anxious that the tenants should reap any advantage . . . are absolutely determined and able to withstand to the uttermost the attempt which has been made to induce the tenants to dictate their own terms instead of applying to the proper tribunal.'

Canon Cahill submitted in reply to this that the Ponsonby tenants were ready to submit their case to arbitration, and Mr. O'Brien Dalton denied that the deputation came to threaten ; they came there in the interest of peace, and he pointed out that the payment of arrears of rent by the Ponsonby tenants was impossible, as the land had been lying idle while the tenants were not in possession. These

statements, however, were ineffectual to move Mr. Smith-Barry from the position he had taken up, and the deputation left him without having obtained the smallest hope that he would withdraw from his syndicate.

Meanwhile, events were hastening forward in Tipperary and Cork. The Archbishop of Cashel, Dr. Croke, wrote and published a letter to Canon Cahill, in which he warmly approved the action of the Tipperary tenants as regards the conduct of Mr. Smith-Barry. 'This landlord's intervention in the Ponsonby dispute proves beyond doubt that he is an aggressive busybody and a virulent partisan. . . . If Mr. Smith-Barry can legitimately enter into an alliance with a greedy section of exterminating landlords of Munster, then the friends of the tenants throughout the country who sympathise with them may freely claim to have recourse to similar combinations.

'They may therefore become members of any open and constitutional confederacy or National Defence Association, the object of which is to make common cause with each other in all agrarian emergencies, so that the acknowledged grievance of a tenant on one estate, belonging to any one of the confederated landlords, should be dealt with as a personal grievance by each and every one of the confederated tenants as well. . . . Will Mr. Smith-Barry receive the deputation and accede to its reasonable demands? If so, it will be well, and peace will be proclaimed in Tipperary. But if he should think fit to decline to do so (which I sincerely hope will not be the case), then it will become the duty of the tenants to consider what further steps, if any, it would be right and advisable for them to take in order to prevent the continuance of his irritating interference in other people's affairs, and cause him to direct his attention solely in future to the just and judicious management of his own property.'

Later, on June 30, a week after the Tipperary meeting, a meeting at Cork was summoned for the purpose of

protesting against Mr. Smith-Barry's conduct, and Mr. William O'Brien was advertised to address it. The Government determined to proclaim and prevent this meeting, and to prosecute Mr. O'Brien for his Tipperary speech. In consequence of the proclamation the proposal to hold a single great meeting was abandoned, and no fewer than eight small meetings were held in different parts of the town. At Clonakilty, in the suburbs of West Cork, the people succeeded in eluding the vigilance of the police, and a great meeting was held at which Mr. O'Brien spoke in the same sense as he had at Tipperary, but in language rather stronger and more vehement. 'In Cork, as in Tipperary,' he went on to say, 'there was but one feeling—that the barbarous vengeance on the Ponsonby tenants must not go on, and that if the brave Ponsonby men are to be beaten down to the earth by a gang of landlord aristocrats, the Smith-Barry tenants and every man of the Irish race, who is worth his salt, will know the reason why. The Archbishop of Cashel had warned the exterminators that if they are determined to use their wealth and their bayonets to wipe off the face of the earth the tenants of the Ponsonby estate, they will have to trample over his body before they will get at their victims. Captain Plunkett has tougher work cut out for him than suppressing the Cork bands. He will have to suppress the Archbishop. He will have to suppress every drop of blood that courses in the veins of multitudes of Irish hearts.<sup>1</sup> The landlords have been offered peace—they are incorrigible. They understand no logic but the logic of a blow.

'They know that the sands in the hour-glass are running out, and that the days of their domination are numbered ; . . . they are doing all that men can do by every cruel and

<sup>1</sup> These sentences were those which the counsel for the Crown stated were mainly relied upon in the subsequent prosecution of Mr. O'Brien.

brutal use of the Coercion Act to smash the tenants' combination, and to bring the landgrabbers into play again ; . . . they are trying to force up the price of land, and to tempt or bully the tenants into buying upon any terms ; . . . Colonel Saunderson claims the right of every landlord to combine and compete with any other landlord for the purpose of extermination. Well, let them combine and conspire. But I hold that every body of tenants in the county—and there are thousands of them connected in one way or another with Mr. Smith-Barry and Mr. Townsend—I hold that every such body of tenants not only have the right, but that it is your duty, formed by every instinct of yours as men, and by every law of self-preservation, never again to buy from such men, never to sell to them, never to touch them or theirs with a forty feet pole, until it is wrung out of you at the point of the bayonet.

‘We will have occasions here I promise you for considering when and how the tenantry in this part of Cork are to take action. What I take the meeting to mean is that the whole of this vast county is glowing and burning with a sense of the diabolical conduct of those plotting against the Ponsonby tenants, and that by every moral means, by every weapon that the law of God as distinguished from the law of Balfour leaves in your hands, you are determined to strike down the hands of the exterminators, and make them feel the indignation and abhorrence of their countrymen.’

On his way back to Cork after this meeting Mr. O'Brien was arrested by the authorities at the Cork railway station, where a large number of people had assembled to meet him, and he was thence conveyed by the police to Clonmel. His ill-advised arrest at the station caused some excitement, resulting in an onslaught upon the crowd by the police, for which there was not the slightest justification ; in the course of it Mr. P. O'Brien, M.P., was seriously injured.

Another prosecution was then instituted against Mr.

William O'Brien in respect of this Clonakilty speech ; and also against Mr. Gilhooly, M.P., who spoke at the same meeting. They were prosecuted for conspiracy to induce Mr. Smith-Barry's tenants not to pay their rents, and also for intimidating Mr. Smith-Barry against acting as member of a syndicate, which had purchased the property of Mr. Ponsonby.

They were convicted, on August 22, on the charge of conspiracy only, and were sentenced to two months' imprisonment as common criminals, with an additional two months in the event of their refusing to give bail for good behaviour, a form of sentence which County Court Judge Waters has recently declared to be absolutely unjustifiable under the Coercion Act, and illegal. Mr. O'Brien declined to appeal. Mr. Gilhooly appealed on a case stated to the superior courts, on the ground that there was no evidence of inducement to the tenants not to fulfil their legal obligations, and that the Crown had refused to put in evidence the original notes by the police of their reports of the speeches.

Mr. O'Brien has since served out his sentence of two months' imprisonment in Galway Gaol, and also the second period of two months, for refusing to give bail for good behaviour, and was liberated on December 22. Strange to say, Mr. Gilhooly's appeal has not even yet been argued before the Court of Exchequer. It appears to be doubtful whether the Government intends to proceed further with the case. Mr. Gilhooly was convicted because, in the opinion of the Resident Magistrates, he acquiesced in the speech previously made by Mr. O'Brien from the same window. 'We have no doubt,' they said, 'that he fully endorsed the words of Mr. O'Brien, and that they were there for a common purpose. If it were otherwise, it could have been easily repudiated.' The point raised in the case, however, was a technical one, and if the conviction of Mr. Gilhooly was not justified, neither was that of Mr. O'Brien. It may be

confidently affirmed that no jury in the United Kingdom could have been fairly empanelled, which would have convicted either of them under all the circumstances.

The impolicy, however, of the prosecution and imprisonment of the popular leader was at once apparent, for nothing has more contributed to arouse and exasperate the people of Tipperary, who are devotedly attached to him, or to confirm them in the course which has since been adopted. The Government having obtained a conviction in respect of the Clonakilty speech, dropped the prosecution against Mr. O'Brien and Mr. Lane, M.P., for the previous Tipperary speeches.

On August 9, the day previous to the trial for the Clonakilty speech, a meeting was held of the Smith-Barry tenants at Tipperary, at which Mr. O'Brien was present, and when an important determination was unanimously arrived at to throw in their lot with the Ponsonby tenants.

It was marked by quiet enthusiasm and determination. Resolutions were passed of such importance that it is well to give them.

'We, the tenants of Mr. Smith-Barry's Tipperary estates, having appealed to him to withdraw from his wanton and cruel interference with a settlement of the Ponsonby estate, and being further aware that Mr. Townsend has under his own hand acknowledged that the Ponsonby tenants are cruelly rack-rented, and that the eviction syndicate cannot justify their action by impugning the justice of the tenants' claims, hereby resolve—

'1. That it is the duty of every tenant in Ireland, by every motive of humanity and self-preservation, to secure that a body of tenants, the justice of whose claims is acknowledged by the agent of the syndicate, shall not be despoiled of their homes and property by the combination of wealthy English autocrats that has been formed for these evictions.

'2. That a special duty to sustain the Ponsonby tenantry

devolves upon the Smith-Barry tenants, whose money is being employed by their landlord for the destruction of their brother tenants.

'3. That recognising this special claim we hereby resolve to tax ourselves to the extent of ten per cent. on the poor law valuation of our holdings, for the benefit of tenants who may be plundered of their means of living by the operations of the Smith-Barry syndicate, and that we pledge ourselves to continue this levy half-yearly so long as Mr. Smith-Barry and his agent continue to conspire for the extermination of our brother tenants.

'4. That owing to the additional burthen thus forced upon us by Mr. Smith-Barry's unprovoked aggression upon our brother tenants, we demand an abatement of 25 per cent. of the gale rent now due.'

In supporting these resolutions Mr. O'Brien said : 'You have affirmed the principle of taxing yourselves for the maintenance of men who have made a gallant struggle, who have fought their own battle and who have fought your battle. . . . You have also affirmed the principle that in order to put you in a position to make a suitable provision for the maintenance of the Ponsonby tenants, it will be absolutely necessary for you to demand an abatement of rent.'

In accordance with this resolution the tenants of Mr. Smith-Barry in Tipperary town, and on the agricultural property in the neighbourhood, refused to pay rent to him, unless an abatement of 25 per cent. was conceded, and unless he withdrew from the syndicate. Their demand was rejected, and proceedings were at once taken to enforce the full payment of rent. For this purpose it was determined by Mr. Smith-Barry to put up for sale the interests in their town holdings of seventeen of his tenants, who were among the most substantial men of the town.

On September 5, the tenants' interests in eight of these cases were put up for sale. In the nine other cases, settle-



ments were arrived at under the threat of sale. The eight cases included several valuable properties, where the landlord was the holder of a rent which represented but a small part only of the real value of the property. Among them were two holdings of Mr. O'Brien Dalton. One of these holdings was a town property, the other a farm on which a valuable mill had been erected. The property had been in possession of Mr. Dalton's family for four generations. In all the cases the tenants offered to pay the rent demanded less an abatement of 25 per cent. This was refused, and the sheriff then knocked down these properties to the landlord.

Among those who settled with the landlord before the sale of their holdings were some tradesmen who employed a large number of hands ; it had been suggested at a previous meeting of tenants that with a view to prevent the throwing out of employment of these men, these cases should be treated as exceptional, and that the tenants should be allowed to come to terms. This arrangement, however, if actually arrived at, was not generally understood.

When the news arrived at Tipperary on the night of September 5 that eight tradesmen had allowed their properties to be sold to the landlord out of sympathy with the Ponsonby tenants, there was the wildest excitement in the town. These men on their return met with a reception of a most extraordinary character. Crowds lined the road from Limerick Junction to Tipperary, and immense enthusiasm was exhibited for them. On the other hand there was the strongest popular feeling of indignation against those who had not adopted this course, and who had settled with the landlord rather than give up their property. The people were greatly excited against them, believing they had proved traitors to the combination.

The windows of the houses belonging to these men were broken, and other manifestations of popular indignation took place. The police were called out, and fired into the

people. Three men were seriously wounded, and two of them subsequently died. For the scenes which took place on this night fifty-nine persons were prosecuted for alleged riot, and many of them were convicted and sent to prison.

From thenceforward the shops of those tradesmen, who had settled with Mr. Smith-Barry, were rigidly boycotted by the whole population of Tipperary, and by the farmers and labourers in the neighbourhood. It does not appear that this was the result of any deliberate decision or conspiracy. It was rather the universal and unpremeditated action of the people. No one would buy of or sell to these people. Their shops were avoided by all the world. The same course has been adopted to all connected with the management of Mr. Smith-Barry's property. His quarries, lime-pits, and lime-kilns, which previously did a good business, are now deserted. His creameries, established for the benefit of the farmers, are no longer supplied with milk. The Town Hall, which belongs to him, is now deserted by the Town Commissioners, and also by the Literary Society which held its meetings there. His butter-market and weighing-machine are deserted. His market tolls cannot be collected.

The tenants who were boycotted for settling with their landlord felt very deeply their position, all the more as they were strong Nationalists. They were willing to do anything to retrieve their characters with the people, and to express regret for what they had done. It was not, however, till October 18, after six weeks of the most rigid boycott of these men, that it was found possible to appease public opinion. A meeting was then held of the Tipperary tenants of Mr. Smith-Barry to consider a petition on behalf of those who had bought in their holdings. A communication was received from them to the following effect: 'We hereby express our regret for what we have done, and we pledge ourselves at the next November gale to join with our fellow tenants in refusing to pay any rent to Mr. Smith-Barry

unless he desists from acting with the combination of landlords.' This was signed by all the tenants who had come to terms. Thereupon the following resolution was proposed by Mr. O'Brien Dalton, and was unanimously agreed to :—

'Having read with satisfaction the apology signed by those tenants who purchased their interests on September 5, and their pledges for the future to act in complete accord with the general body of the tenants, we suggest to them, as the next gale rent becomes due on November 1, that on that date they should signify formally and publicly to Mr. Smith-Barry their determination, as now expressed to us, not to pay their rents, and to allow their holdings to be sold, unless he has by that time granted to his Tipperary tenants an abatement of 25 per cent., and we hereby resolve that upon this being done the past shall be forgiven. They shall be reinstated in the ranks of our combination.' The recalcitrant tenants agreed to this. The boycott was in consequence brought to a conclusion. Crowds again, by universal consent, flocked to the shops of these people, and they were completely forgiven for what had occurred. It would be difficult to conceive a stronger manifestation of public opinion than was thus exhibited. All classes joined in it. Three leading firms in Tipperary had for a time continued to supply articles to persons connected with Mr. Smith-Barry. They found their shops in consequence neglected. Two of them offered public apology for their action; the third, a leading Conservative in the town, soon followed suit, and promised not to execute orders for anyone in Mr. Smith-Barry's employment.

Mr. Smith-Barry was neither deterred, nor apparently disconcerted, by these proceedings, and he has since proceeded to follow up the sales of the tenants' interests by their eviction, and by the eviction of a large number of others who have followed the same course. The evicted tenants have been sustained by a strong popular feeling in

their favour. Hundreds of carts came in from the country districts to assist them in removing their effects from the premises from which they were being evicted.

For days in succession evictions were carried out in the presence of great gatherings of people. Large bodies of police were drafted into the town. There has, however, been no real disturbance. Since September 5, there have practically been no prosecutions. It would seem that the authorities have recognised that the combination of the tenants to submit to the sales of their interests, and to eviction as a protest against Mr. Smith-Barry's intervention in the Ponsonby dispute, is not criminal. No attempt has been made to prosecute those engaged in it for conspiracy under the Coercion Act. Nor has there been any inquiry under the Star Chamber clauses. No prosecutions have taken place for boycotting.

What is, perhaps, the most remarkable fact about this Tipperary movement is the quiet order with which it is being carried out. There is no display, no parade, no demonstration. The tenants are quietly submitting to eviction. They give up their homes and places of business without resistance or disturbance. The principal street now presents a sad appearance of empty houses and empty shops, watched by police and detectives, while a new street is growing up which is already full of life and business. Offers of assistance in the shape of building materials came from every part of Ireland; relays of horses in great numbers were lent by the Tipperary farmers for levelling the ground, for building purposes, and for removing effects. Already fifty shopkeepers and about as many holders of tenement houses have submitted to eviction. A notice has been posted up by Mr. Smith-Barry that fifty shops and houses are to be let pending the period of redemption. There are nearly two hundred other tenants of Mr. Smith-Barry in the town of Tipperary, of whom, it is said, all but fourteen have

joined in the combination, have refused to pay rent, and are prepared to submit to eviction. Proceedings have been taken against large numbers of them, and evictions will shortly be resumed on a large scale. The fourteen exceptions have paid their rent, refusing to join in the movement. Of the agricultural tenants in the neighbourhood, seventy in number, all but two are said to have joined the combination; three or four of them have already been evicted, fourteen others are daily expecting eviction. Their cattle and all their effects have already been removed from their farms. The movement has spread to another estate of Mr. Smith-Barry, at Cashel, where thirty agricultural tenants have joined in the combination and are preparing for eviction. The only exceptions are two gentlemen farmers, holding about 400 acres each, and Conservatives in politics.

Whatever many people may think as to the expediency, policy, or necessity for such a demonstration, it is impossible to disregard its significance, or to depreciate the intensity of the popular feeling and indignation which has given rise to it. It is said by the friends of Mr. Smith-Barry that many of the tenants who have agreed to surrender their property, in concert with the movement in favour of the Ponsonby tenants, do so most reluctantly, against their own private judgment and will, and that they are practically coerced into this course. This is denied on the other side. But, even on the assumption that there is some truth in this, it seems to me that it would only strengthen the argument as regards the intensity of public opinion of the district. What, indeed, must be the strength of the movement, what must be the depth and force of popular indignation, if it can compel a minority, who disagree with it, to surrender their property rather than show their dissent, in spite of the fact that they are supported by all the power of the Government, backed up by the exceptional powers of the Coercion Act? Could there, in fact,

be stronger proof of the force of popular feeling on the subject?

It cannot be doubted that this popular feeling has its origin in a truly generous and, indeed, noble sympathy for the Ponsonby tenants, and that the great bulk of those who, under its influence, have surrendered or are intending to surrender their property, are acting without a trace of selfish interest, but from motives, heroic in the opinion of those capable of appreciating such action, Quixotic, perhaps, in the opinion of those with less elevated ideas, and with the determination to prove that they will submit to any sacrifice in their power, in order to prevent the extermination of a body of tenants by a syndicate of landlords supported by English capital.

Such action as that of Mr. Smith-Barry and his syndicate would be impossible in a country where public opinion has its legitimate influence. The Tipperary movement is the result of a public opinion suppressed and thwarted in its usual channels, and forced to seek expression and force in an abnormal direction and by unprecedented means.

To what extent the movement will be carried it is impossible to say. There is no appearance as yet of any flinching on either side. Preparations are in force on the part of Mr. Smith-Barry to carry on the struggle to the bitter end, and to evict, not only all the residue of the Ponsonby tenants, but his own tenants in Tipperary. The tenants of both estates are equally prepared to stand by their combinations, and not to yield, confident that the opinion of Ireland is with them, and that they will not be allowed to suffer in the long run. In such a case, it seems to me, that it is the duty of the Government to recognise public opinion, and to intervene for the purpose of putting an end to the dispute by promoting or enforcing arbitration of the difference on the Ponsonby estate.

*THE CLANRICARDE EVICTIONS*

ON leaving Tipperary, I went by train, *viâ* Limerick and Ennis, to Athenry Junction, and thence to Galway. At the junction I met Father Costelloe, the new parish priest of Woodford, Mr. John Roche, and other delegates from Woodford and Loughrea, on their way to the Galway Convention. They gave me a hearty welcome; they had expected or hoped that I would pass through their district, and visit Portumna, Woodford, and Loughrea on my way to Galway. The tenants had prepared a reception for me, and intended to illuminate the country with bonfires on the hills, in recognition of what I had said for them in Parliament. I was perhaps fortunate in escaping this demonstration, and all its possible consequences from the intervention of the police. I had indeed intended to take this route, but I could only have done so by neglecting to go to Tipperary, and this I had been unwilling to forego.

It was within a few weeks of two years since I had last been at Loughrea for the purpose of attending the meeting there, as described in 'Incidents of Coercion.' Much, my friends reported, had taken place in the interval. Evictions on a great scale had been carried out. Two years ago only five or six evictions had actually taken place, but proceedings had been commenced against several hundreds of other tenants, and numerous evictions were threatened. When, a year later, at the commencement of 1889, I had published my account of this and a subsequent visit to

Ireland in the autumn of 1888, twenty-four more evictions had taken place, making a total of about thirty. Since then, from time to time, batches of tenants had been evicted, and the total now amounted to no fewer than 111, of which 97 were direct tenants and 14 sub-tenants, while 800 other tenants, still in possession of their holdings, were in constant expectation of eviction.

In spite of all these evictions, and in spite of the fact that nearly 170 persons have been sent to prison for various offences directly or indirectly connected with it, the combination continues in full force and unabated. All the efforts of Lord Clanricarde, supported by the Government and the Coercion Act, have failed to quell the spirit of the people. Nearly 1,000 agricultural tenants still stand firm by the combination. Not a single one of the 100 farms, from which tenants were evicted, have been taken. They are all derelict in the hands of the landlord. On many of them the houses have been razed to the ground. The town tenants of Loughrea who had joined the combination have been compelled by process of law, by distraint of their goods, and otherwise, to pay, and their action in submitting to this rather than in going the length of being evicted has been approved by the agricultural tenants.

The most important matter which has occurred since my last visit has been the correspondence between Dr. Healy, the Coadjutor Bishop of the diocese, and Lord Clanricarde on the one hand and Mr. Balfour on the other. Dr. Healy has never approved of the combination of the tenants. He has on many occasions expressed dissent from the Plan of Campaign, and he has openly separated himself from the Bishop of Clonfert on this matter. He has, however, the strongest conviction that the tenants of the Portumna district, in which he performs the functions of parish priest, have been most unfairly treated. Apparently he thought it expedient—not very wisely, I think—to endeavour to



separate their case from that of the tenants of the Woodford and Loughrea districts, and to enter into negotiations with Lord Clanricarde on their behalf only.

After the meeting which I had held at Loughrea, in the beginning of 1888, and in consequence of the advice I had given to the tenants to be moderate, and to endeavour to meet any advances of their landlord in a conciliatory spirit, Bishop Healy thought the occasion opportune for entering into negotiations with Lord Clanricarde on behalf of the Portumna tenants, and consequently wrote to him on the subject. Lord Clanricarde left the Bishop's letter unanswered for three months, and then sent him an answer only through his agent, to the effect (1) that he could not amplify the terms already offered to the Portumna tenants in common with other tenants ; (2) that if the Portumna tenants would abandon their present attitude, he would give them 'prospective advantages,' whatever these might be. The Bishop considered these to be no concessions at all ; none at least that were worthy of consideration by the tenants.

The Bishop further addressed the Chief Secretary to the Lord Lieutenant on behalf of the Portumna tenants, and protested strongly against the forces of the Crown being used for the purpose of evicting them. This remonstrance had the effect of inducing the Government to delay giving the aid of the police or military to assist in the evictions of twenty-one tenants of the Portumna district, against whom Lord Clanricarde had obtained the necessary decrees. The ostensible reasons given for thus delaying the support of the Crown were that many other notices of eviction in the same district and at the same time had been declared by the County Court Judge to be invalid, and that it was doubtful whether all the decrees obtained were not subject to the same informality. It is believed, however, that this was not the real reason, and that the Government was glad to find an excuse for deferring to the remonstrances of Bishop

Healy, and for delaying their support to Lord Clanricarde's Portumna evictions.

Whatever the reasons, the notices of eviction expired, and proceedings had to be renewed, and a delay of some weeks occurred before the new notices ripened so as to admit of further action. It was not till August, 1889, that Lord Clanricarde was again in a position to call upon the Government to support him in further evictions of his tenants. Before these took place, Father Costelloe, who had recently been appointed parish priest of Woodford in place of Father Coen, whose death had been accelerated, if not caused, by all the troubles he had gone through, and the distress he had undergone at the treatment of the Woodford tenants, made another effort to appeal both to Lord Clanricarde and to the Chief Secretary against the threatened clearances. He called the tenants together and obtained their consent to act for them. They authorised him to write on their behalf to Lord Clanricarde, and to convey to him that they were willing either to purchase their holdings at a fair valuation, or to refer all matters in dispute to arbitration, or agree to any moderate terms. Lord Clanricarde wrote to him a very insulting reply, and refused to entertain any of the proposals.

Father Costelloe then appealed to the Chief Secretary against the threatened evictions. He cited his correspondence with Lord Clanricarde, expressed again the willingness of the tenants to come to any reasonable settlement, or to refer the dispute to arbitration; he went into a narrative of the past evictions, and in conclusion he said: 'In view of such facts and complications, I request that the Government may send here an impartial Commission to hear both sides, and present an accurate report on the whole case; secondly, that all further action on the part of the authorities be meanwhile suspended until the report shall have been presented. Doing so will certainly avert social

disorder, and afford reasonable and necessary protection to a notable section of Her Majesty's subjects against unrelenting extermination.'

The letter was a public one, on a public matter of the highest importance. Mr. Balfour took the very unusual course of replying to it in a letter marked 'private.' This letter dealt with no fresh matter ; and, according to the usual practice, such a reply should have been as public as that to which it was an answer. Father Costelloe, however, hesitated to publish it, lest he should be considered guilty of any breach of etiquette in such matters. Substantially, the answer was a refusal either to hold an inquiry, such as was asked for, or to suspend further the support of the Crown to Lord Clanricarde's evictions. Mr. Balfour had treated the Bishop's correspondence in the same way, and though the Bishop desired his communications to the Chief Secretary to be public, he hesitated equally with Father Costelloe to publish letters from the Chief Secretary marked 'private.'

The Bishop, finding his appeal to the Chief Secretary rejected, addressed the tenants of the Portumna district in the parish church in very affecting terms:—

'My dear friends,' he said, 'it is hardly necessary to remind you that a large number of people in the parish are face to face with a very grave crisis just at the present time. The question is whether you are to become landless and homeless or not—it is, in fact, a question for you of life and death, and that must be my excuse for referring to it here in the house of God and on the Sabbath day.' He then went into a history of the whole case, and described his correspondence with Lord Clanricarde and with Mr. Balfour. He expressed his conviction that the tenants had been harshly treated from the commencement, and had right on their side. He concluded by saying : 'And now, my friends, what are you to do and what am I to do ? That is

the urgent question. Well, perhaps a settlement is not altogether quite hopeless. If Lord Clanricarde were a just and a wise man, or either a just or a wise man, it would not be yet quite hopeless. But meanwhile, with the sheriff at your doors, what are you to do? Well, I say, go out if you are so minded, but go out without violence to the officers of the law, for that will do you no good, and moreover it is wrong. Let the law assert itself and drive you out; that is a passive resistance—a protest against the cruel law that enables a man like Lord Clanricarde to raise your rents in the past and unfairly, and then to evict you in the present for non-payment of these rents in the worst seasons—rents that Her Majesty's courts have pronounced to be unfair to the extent of 33 per cent. Go out. Depend upon it your cause will be heard. . . . You must not coerce any man to leave his home if he can keep in it. He has a right to remain there—a legal right and a moral right—and you ought not to interfere with either. Depend upon it you will not serve your own cause by violence or by coercion. There are plenty of you willing to go out—to make thereby a protest against Lord Clanricarde's tyranny. The more you keep to the law the more your patient protest will be effective. At any rate I will state your case to the public. I will show the fairness of the demands I made in your behalf.'

After this notable address of the Bishop another last effort was made to avert evictions. Father Pelly, the administrator of the parish, by the desire of the Bishop, called the Portumna tenants together, and induced them to make a final offer to Lord Clanricarde. They offered to pay a year's rent at once, with an abatement of 20 per cent., and to pay arrears of rent with the same abatement, provided time was given to them, but always conditional upon the same terms being accorded to the whole estate, and to the evicted tenants, who should be reinstated in their holdings. This

offer was forwarded to the agent, Mr. Tener, but was peremptorily rejected by him.

Evictions were then proceeded with. Twenty-four families were ejected from their homes, fifteen of whom were in the Portumna district. Of the nine tenants in the Woodford district, five were widows. No pity was shown to them on this account. They were evicted with their families. Previous to eviction the agent offered to leave them in possession if they would pay a year's rent with an abatement of 20 per cent., and he would give time for the payment of arrears subject to the same abatement. They one and all refused to accept these terms unless they were equally accorded to the evicted tenants. The Portumna tenants followed the advice of the Bishop: they offered only a passive resistance, they opposed no force to the sheriffs, they submitted quietly to eviction, they joined the ever-increasing band of evicted tenants.

A short time after, on August 20, 1889, I brought the case of this estate again before the House of Commons in the only way that was open to me, on the salary of the Chief Secretary. For this purpose I returned to the House from the extreme North of Scotland, in spite of the fact that I had paired for the remainder of the session, and could not vote. I described the recent evictions; I stated that numerous others were threatened, and I dealt again with the history of the case. I showed that practically the differences between Lord Clanricarde and his tenants were all but narrowed down to the single question of the reinstatement of the evicted tenants; that Lord Clanricarde was now at last prepared to concede an abatement of rent which in 1885, at the inception of the dispute, he had positively refused; that the tenants on their part had made a slight abatement on their original demand, and were willing to do their utmost to pay all arrears, subject to an abatement of 20 per cent.; that Lord Clanricarde was ready to accept this, but would not promise

to reinstate the ninety-seven tenants, who it was now practically admitted had been unjustly evicted. I then pressed the Chief Secretary to adopt the suggestion of Father Costelloe, and to appoint a commission of enquiry into the dispute on this property, and meanwhile to suspend supporting the evictions with the forces of the Crown until the report should be before the country. I concluded by saying that 'I felt it to be an urgent public duty to make, it might be, a last effort on behalf of a people who I believed had been cruelly used in the past, and who I also believed it was the intention of Lord Clanricarde to evict, and to depopulate the whole district, supported, I was sorry to say, by all the forces of the Crown.'

The Chief Secretary replied with his usual *gaieté de cœur*, not very seasonable in such a case. 'It baffled his ingenuity,' he said, 'to discover what connection there was between the indictment I had brought against the Irish Government and the vote for the salary of the Chief Secretary.' He denied emphatically that he had ever in the past refused to lend the forces of the Crown to support Lord Clanricarde's evictions. 'The Executive, however, had a right to tell persons locally concerned that the protection could not be given at the particular moment it was desired. Some discretion had always been left to the Executive in such cases. It was an error to suppose that the Government had acted upon or had laid down any such indefensible proposition as that they had the right, if they happened to think any particular creditor, be he landlord or anyone else, was exacting a debt in a harsh manner, to prevent him exacting it, if it was a legal one, by refusing to support the sheriff's officers, who were carrying out the duties imposed on them by a court of law, with the protection they had a right to require.

'It was not his business to defend Lord Clanricarde or any other creditor in this country. He did not believe

Lord Clanricarde was worse than many a creditor in this country. . . . Supposing Lord Clanricarde had not acted in a manner in which we had a right to hope he would act, was that a reason for not enforcing the law? Supposing Lord Clanricarde had acted as hundreds and thousands of creditors in London acted every day of the week, was that a reason for refusing to him the protection that was given every day in London? . . . .

‘Until it could be shown that the Government should undertake in Ireland a new and modern duty, which no Executive had ever undertaken either in England or in any civilised country, he maintained that no legitimate criticism could be passed upon the action of the Government with regard to the Clanricarde estate.’

Not one expression of regret was there throughout this speech for the action of Lord Clanricarde or of sympathy for the tenants, not one word to deprecate further evictions or to avert the threatened depopulation of the whole estate and district.

This speech of the Chief Secretary was naturally followed by further evictions on the part of Lord Clanricarde, who doubtless felt that his action was fully supported by the Government. On September 10 following I received a letter from Father Costelloe thanking me on behalf of the tenants for the appeal I had made on their behalf in the House of Commons. He then went on to say: ‘Even since the discussion you raised in Parliament, ten more families have been evicted in the Portumna district, and numerous others are immediately threatened both there and in the Woodford district. There are about eight to nine hundred tenants still in possession of their holdings who are liable to eviction. They are harassed by the constant fear of it before them. The present intention of Lord Clanricarde, and of the authorities who support him, appears to be to evict this vast body of tenants in batches spread over a long

period, and not all at once, a course which they think would rouse public opinion in England against them. I desire to point out that the main difficulty in the way of settlement is not so much the amount of abatement of arrears of rent due, as Lord Clanricarde is now at last prepared to make an abatement which, if it had been offered at the commencement of the dispute, would have avoided all that has taken place. He hampers his offer, however, with conditions which he knows the tenants cannot comply with. Above all, he absolutely refuses to reinstate upon the same terms the tenants who have already been evicted. The tenants on their part feel that, as honourable men, they cannot abandon those who suffered eviction for the cause of all, under the promise that all would stand by them. If Lord Clanricarde refuses to reinstate them, then it must be from pure vindictiveness or from a desire to punish them. Indeed, sir, it is well known that his lordship is actuated by vindictive feelings to his tenants. He has stated in a letter which was published in the papers that his father, the late Marquis, bequeathed to him a legacy of hatred to his tenantry. He is faithfully executing his father's will by these heartless evictions and their woeful consequences. Over 600 persons already homeless, over 150 persons sent to prison, several deaths in consequence, and a whole countryside desolate. But what are we to think of the Government which with such pertinacity lends its support to these proceedings and refuses to even suspend its aid while an impartial enquiry can be held? I need not assure you that the strain upon the resources of the tenants in building temporary houses and providing for the support of the evicted tenants is very great. The tension in other respects is also great. The leaders of the tenants have done their utmost to induce the people to abstain from violence, but they live in fear lest some individuals should in despair resort to such acts. I have then to ask you whether you can suggest any course to avert the calamities with which



this unfortunate district is threatened. The tenants have exhausted every effort on their part ; they have offered their landlord to refer all the disputes to arbitration ; they have offered to come to any reasonable terms upon condition of the reinstatement of the evicted tenantry. They have appealed to the Government to institute an enquiry, confident in the justice of their case. All has been in vain. The people feel they are abandoned, and that all the forces of the Government are ranged against them for their destruction.'

I replied to this excellent letter of Father Costelloe that, after the failure of my appeal in the House of Commons, I could only suggest an appeal to public opinion in England. I said that, 'in view of the facts which I have stated, which have again been affirmed by him, I am convinced that the Government, in lending the forces of the Crown to support Lord Clanricarde, is making itself an accomplice to a crime of unexampled magnitude, in the popular sense of the term. You will have observed that the chief, if not the only, argument which Mr. Balfour was able to adduce against your proposal was that he could draw no distinction between the relation of Lord Clanricarde to his tenants, and that of any other creditor to his debtors, and that consequently the Government was bound to support the evictions with the forces of the Crown. Such an argument showed in my opinion a total misconception of the question. The relation of Lord Clanricarde to his tenants is not that of any English landlord to a body of tenants, or that under a simple contract debt. It is that of co-owners of property in land, where all the improvements have been effected by the labour and capital of the tenants. The Legislature has twice already, by the Acts of 1881 and 1887, recognised this co-ownership, and has interfered to alter and adjust this relation, showing incontestably that it is not one resulting from an ordinary contract. It is demonstrable

also that, if the Act of 1887 had been originally incorporated in that of 1881, or if it had been enacted when the fall of prices occurred, which gave rise to this and other disputes, or if it had been retrospective to the extent of applying the principle of abatements to the arrears of rent, which had accumulated since the fall of prices, this dispute would either never have occurred, or would have been settled by the Land Commission. I understand from you that the difficulty in the way of settlement is not the amount of abatement of arrears of rent. Lord Clanricarde is now prepared to concede an abatement which he positively refused at the commencement of the dispute and for long after.

‘Apart from some minor difference, the main difficulty appears to be that he will not agree to the reinstatement of the tenants, 110 in number, already evicted for non-payment of rent, now admitted to have been excessive and unjust and who have suffered for the common cause.

‘Nothing, I am told, prevents this, as the farms are all in the hands of Lord Clanricarde, and no one has been found to run counter to the public opinion of the district by hiring them. It can only, therefore, be a vindictive feeling on the part of the landlord, and a desire to punish these who have resisted him, and who have compelled him to yield so far, that prevents this measure of justice. In all similar disputes during the last three years, where settlements have happily been arrived at, the reinstatement of the evicted tenants has been an essential condition, without which no settlement would or could have been achieved. Under all the circumstances, I cannot think that the Government is justified in supporting Lord Clanricarde in his wholesale evictions. It is true that, as a general rule, in individual cases, it is the duty of the Government to support processes of law, and that it cannot be expected to enquire into the morality of such transactions. But when a landlord, like Lord

Clanricarde, proposes to clear of its tenants a large estate, and to depopulate and ruin a whole district, when for that purpose the forces of the Crown must be used on a great scale and at a great cost to the taxpayers, and when nearly all the world knows and believes that the landlord's action is unjust, it seems to me that other considerations ought to prevail, and that at all events a Government ought not to support such proceedings, except upon clear and well-ascertained proof, after public enquiry, that the processes of law are not being used oppressively and vindictively. This appears to have been the view of the late Chief Secretary, Sir M. Hicks-Beach, when he wrote his celebrated letter to Lord Clanricarde, in 1886, practically declining to support further evictions with the forces of the Crown. The responsibility of the Government in such a case seems to me to be greatly increased by the exceptional powers conferred on them by the Coercion Act, which has been so freely used in support of Lord Clanricarde. It would be easy to show that under the ordinary law juries, fairly empannelled, would present obstacles at numerous points to the harsh enforcements of private rights. Without the support of the Coercion Act, it is probable that Lord Clanricarde would long ago have found it expedient to come to reasonable terms with his tenants. If juries are done away with, if the nominees of the Crown are substituted for them, if public opinion acting through juries is to have no effect in tempering the exercise of private rights, it is the more incumbent on the Government to take care that its forces are not used in support of injustice on so great a scale as that perpetrated and contemplated in this case. . . .

‘I feel great responsibility in advising the tenants still in possession as to what course they should pursue. I cannot advise them to come to separate terms with their landlord, and by so doing to abandon the evicted tenants to their fate. I am satisfied that no one who understands the case

would advise such a course. I feel no hesitation in expressing admiration at the noble conduct, and even heroism, of those who have already suffered eviction, like the five widows recently evicted in the last batch at Woodford, rather than abandon those who had previously suffered eviction for the common cause. I hope, and indeed believe, the time will come when justice will be done to them, and when they will be reinstated in the possession of property of which they have been unjustly deprived. Meanwhile, I can only hope that the leaders of the tenants will continue to exercise their influence and authority to prevent individuals, under a feeling of exasperation and despair, resorting to acts of violence. . . . I will spare no effort on my part to make their case understood by the people of England, with whom the responsibility must ultimately rest for such grave and palpable injustice.'

This correspondence was published in full in the *Free-man's Journal*, and in some of the English papers. Whether it reached the eyes of the Chief Secretary during the vacation, I know not; but if it did, it produced no effect. Evictions were again resumed on the Clanricarde estate. Quite recently, and within three weeks of the meeting of the Galway Convention, Mr. Peter McDermott of Derrygoulin with his ten sub-tenants were evicted. He was tenant of 440 acres and a mill, with the sole use of water power, and he was believed to make a profit of 500*l.* a year. He had joined the combination simply for the sake of the smaller tenants. He was now offered an abatement equal, or nearly so, to that originally asked by the tenants; but he submitted to eviction, and to a sacrifice of his valuable interest and property, because the landlord would not reinstate the evicted tenants on the same terms. His father had erected the mill at a cost of 3,000*l.* This was now surrendered to the landlord. McDermott had succeeded repeatedly on technical points in defeating the landlord's proceedings to evict him, and it

was confidently expected by the agent that he would at the last moment submit and pay, subject to the abatement offered, sooner than make the sacrifice. What must be the strength of feeling in the district when such a man submits to so great a loss sooner than abandon the evicted tenants? The sub-tenants were evicted together with McDermott, and were not readmitted as caretakers, with the object, as in a similar case on the Ponsonby estate, of throwing upon the tenants' combination the expense of maintaining these labouring men.

The evictions took place on November 21. The tenants, including McDermott, heard for the first time in a letter from Lord Clanricarde published in the *London Times* on December 7, three days before the Galway Convention, of the alleged discovery in one of the houses, of which possession was taken by the bailiffs and police, of an infernal machine. According to Lord Clanricarde, when the bailiffs entered one of the houses of the sub-tenants—called Number 3—they found a barrel containing 28 lbs. of gunpowder, with an arrangement by which it could be exploded, by means of a bottle of sulphuric acid and other detonators, and communicating with the door by a string, so that the gunpowder would explode on an attempt to enter the house. The *Times*, in its leading article, elaborated further this statement, and alleged that the house belonged to McDermott; that when the sheriff's party approached the house, the mob and the local leaders of the League kept well away out of danger, and looked from a distance with intelligent curiosity for what was expected to happen. It added that there was a rumour in the town of Woodford that an explosion had taken place long before the news of the discovery could possibly have arrived; that the scientific character of the scheme, and its close resemblance to the methods of the dynamite party, the conduct of the peasantry and of their leaders, were not to be explained except upon the assumption

that the conspiracy was well known throughout the district ; and, further, that neither the local agitators nor the tenant, on the occasion of the eviction or the day after, uttered one word of surprise, much less of abhorrence.

To every word of these attacks, so far as they affect them, McDermott, and the local leaders Mr. Roche and Mr. Keary, who were not obscurely pointed at by Lord Clanricarde by the initials he gives, oppose their most absolute denial. The cottage, in which the discovery was alleged to have been made, had been empty for a year, its tenant having gone away ; it was not in the occupation of McDermott. A cordon was drawn round this and the other cottages, and neither the people nor the leaders had any means of approaching any of them. They had no knowledge whatever as to the find ; they were asked no questions ; they received no information. No public enquiry whatever has been instituted by the authorities.

It is inconceivable that they, or any leading men connected with the combination, could have been parties to or cognisant of any such attempt as is alleged to have been contemplated. To have conceived and carried out an outrage of this kind immediately before the Galway Convention, and while all the other conventions were being held, would have been an act of pure insanity. McDermott is a man totally incapable of any such thing. It could not be to his interest. He could have no possible motive. It could only be the work of some man or men driven to despair, without prospect of success or of reinstatement in their holdings. But the movement of the Tenants' Defence Association, the universal sympathy and support it has met with, the large funds which were coming in, had raised the spirits and hopes of the tenants, whether in possession or evicted, on those estates where disputes still exist ; they are well aware that any outrage would do infinite harm to the tenants' cause in all these disputes. Many people at Woodford

believe that the machine owed its origin to the landlord's party, whose interest it is to throw discredit on the tenants. Why, they ask, was it kept secret so long, and why was it only made public in the *Times* three days before the Galway Convention?

It is to be hoped that there will be a public enquiry into this strange affair, with the object of ascertaining the facts of the case. The proceedings may show whether there was an intent by some desperate men to effect injury and loss of life to the bailiffs or police, or whether there was an intent by others to throw discredit on the tenants and their cause. The other suggestion, that it was a deliberate plot of the leaders of the tenants at Woodford, may be dismissed as so grotesque and impossible that it is beyond the limit of reasonable discussion. These men, I am convinced, have used their best influence to prevent outrage and crime. They have held up combination as an alternative to private and secret vengeance. They have always feared, however, that in a state of exasperation and despair, individuals or secret societies might again, as in the past, resort to deeds of violence.

### *THE GALWAY CONVENTION*

ON the morning following after my arrival at Galway the meeting of the convention of the tenants of the county took place. I had been specially invited to attend it, in consequence of the part I had already taken both in Parliament, at Loughrea, and in other ways on behalf of the Clanricarde tenants. This dispute was the only important remaining one in the county, and would necessarily form the main topic at the meeting. I had been invited to attend by the Committee of the new Association at Dublin, and I took it as a compliment that I was the only Englishman to whom such an invitation was extended.

The meeting at Galway was only one of a series of such conventions held in every county in Ireland. The movement out of which they sprang had been inaugurated at Thurles by a speech by Mr. Sexton, M.P., in place of Mr. Parnell, who was prevented by ill health from attending. Like the Tipperary evictions, the new movement had its origin mainly in the action of Mr. Smith-Barry in forming a syndicate of landlords, for the avowed purpose of punishing the tenants on the Ponsonby estate.

It was evident that the tenants on estates, where disputes existed, had no longer to meet their landlords, supported with all the force of the Executive and all the exceptional powers of the Coercion Act, but had now ranged against them combinations of landlords, supported by a common purse, and who were actuated, not by motives arising out of



the interest and condition of the particular estate, but by the general interests of landlords, who believed that it was of the utmost importance to them to put down combinations, to crush the tenants, and to make an example which would deter others from entering on such courses in the future, by punishing some at least of those who had been engaged in them.

It was obvious that when such forces were brought into the field, and were engaged on behalf of the landlords, the tenants would be very unequally matched. Any agreement would practically become impossible. Mr. Smith-Barry had shown that his syndicate was vehemently opposed to arbitration of the differences on the Ponsonby estate. Unless, therefore, other forces were brought to bear in favour of the tenants, they would be crushed, and the evicted tenants would have no hope whatever of being reinstated in their holdings.

The Smith-Barry syndicate was not the only landlord combination of the kind. The Land Corporation of Ireland, to which a large pecuniary support had been given by English landlords, including even members of the Government, was an association formed for similar objects, and for crushing tenants' combinations. Another association also, called the Derelict Farms Plantation Trust, had been founded, mainly by Mr. T. W. Russell, M.P., for the purpose of assisting in the plantation of estates, from which the tenants had been, or should be, evicted, by Protestant tenants from the North of Ireland or from Scotland, supplied with capital for stocking their farms by the association. The operation of this society in planting the Coolgreany and the Massereene estates with Protestant tenants from Ulster will later be referred to.

In the North of Ireland, also, it was clear that Mr. Olphert of Donegal was being supported in his dispute with his tenants, in answer to appeals made by the Duke of

Abercorn and Mr. T. W. Russell, M.P., by pecuniary assistance from other landlords, who hoped to sustain Mr. Olphert in the general interest of their class, and who made it a condition of their support that he would not agree to any form of arbitration without having secured a substantial success against the combination of tenants.

It was obvious, then, that some wider organisation was necessary on the part of the tenants to give them support drawn from the general body of the tenants. The scheme of the new Tenants' Defence Association was skilfully drawn by Mr. Parnell and other chiefs of the party. It was in no way to supersede the National League on the one hand, nor was it to be incorporated with, or to be responsible for, the combinations of tenants of particular estates under the Plan of Campaign. It was simply a combination of tenants throughout Ireland for the purpose of supporting tenants against combinations of landlords. It proposed to meet syndicates of landlords by a syndicate of tenants. It made one most important condition of any assistance which it should render, that no pecuniary support would be given in any case, unless the tenants were willing to refer their differences with their landlords to arbitration.

The new association thus formed was met with the usual unfriendly criticism and contempt from the Government organs in England. According to them, it was the expiring effort of a lost cause; it had already, it was said, within a few days of its birth, proved to be a failure. The sequel, however, has belied all the prophecies, and falsified the hopes of these critics. The movement thus inaugurated has been a most remarkable success. It has secured the support of all but the fraction of the Irish people represented by the officials and the landlords. The Catholic prelates have hastened to give it their most cordial approval and support. Archbishop Croke at Thurles, and Archbishop

Walsh at Dublin, made remarkable speeches in favour of it, and, with one or two exceptions, every Catholic bishop in Ireland has written in favour of it.

It was agreed that a voluntary subscription should be raised by the Irish tenants at the rate of 3*d.* for every pound of the rateable value of their holdings. Already upwards of 35,000*l.* has been raised from this voluntary subscription, and there cannot be a doubt that this will be largely increased before the fund closes.

It is clear, also, that the movement, thus started, is a perfectly legal one. It has stood the test of the Castle lawyers, who would have been only too glad of an excuse for suppressing it. With funds of the magnitude thus raised, it is certain that the evicted tenants will be amply supported till the day when they will be reinstated in their holdings. It has raised fresh hope in the minds of the tenants on those estates where disputes still exist ; it has convinced the evicted tenants that they will not be abandoned by the tenantry of Ireland, and that no settlement of the question can be effected which does not secure their interests.

The Galway Convention was a fair sample of many other similar conventions. It was attended by delegates from the tenants in every parish in the county ; there were present upwards of seventy priests, several members of Parliament for Galway County, and other divisions. It was presided over by Mr. T. A. Dickson, M.P., whose name is so intimately connected with the representation of Ulster, and who now represents the St. Stephen's Green Division of Dublin, as a Protestant Home Ruler. I never met a more respectable and intelligent body of men than the delegates of the tenant-farmers. A procession was formed of these delegates from the hotel to the hall of meeting. Six members of Parliament in an open carriage headed it. In the hall upwards of 1,000 persons were present.

The head of the police in the town sent a message to

the Chairman, requesting that a police reporter might be present, for the purpose of making an official report of the speeches to the authorities. I was myself most anxious that this request should be complied with. I was very unwilling that it should be thought that I flinched from any course, which might enable the authorities to take any action they might think fit upon what I might say. I was overruled, however, by the Irish members present. The same request had been made by the police at all the previous conventions, and had been invariably refused, on the ground that the meetings were not open to the public, and were in the nature of private meetings, and that it would not be wise to establish a precedent for the police reporters to be present.

The delegations from the Clanricarde tenants naturally formed a most important feature of the meeting, and the state of this extraordinary dispute was the constant topic of speakers. The proceedings opened with letters from the Archbishop of Tuam and from the Bishop of Clonfert, approving most heartily of the objects of the convention.

My own speech was in great part directed to this subject. I referred with approval to the condition of the new association as to 'arbitration.' I said that I had always advocated this mode of settling the remaining disputes between landlords and tenants. I pointed out that in every one of these disputes the landlords were now prepared to make concessions, which they had originally refused ; that in all of them the difficulty was no longer whether abatement of rent should be conceded, or as to the amount of the abatements, for the landlords were now as a rule prepared to offer terms on these points which the tenants would agree to. But fresh difficulties had arisen in the course of the disputes. Large numbers of tenants had been evicted ; their houses had been tumbled down, or had been devastated by emergency men ; their farms had gone out of cultivation, and it would

be long before they could be made profitable again ; great costs had also accumulated.

In most, if not all, the cases the difficulty was that the tenants would not accept the terms of the landlords, which would otherwise be acceptable to them, either because the landlords would not extend the same terms to the evicted tenants, or would not reinstate these evicted tenants in their holdings, or would not offer them terms which they could accept. 'It is, in fact,' I said, 'the question of the evicted tenants which constitutes the main difficulty in the settlement of the remaining disputes. Now, I want to ask you, what is the duty of a tenant who is a member of such a combination and to whom favourable terms are offered? What is his duty to the evicted tenants? Is he justified in abandoning them, thinking only of his own interests? The evicted tenants have borne the brunt of the battle ; they have suffered for the common cause ; they have submitted to eviction under promise from their fellow-tenants to stand by them. In my opinion the tenants would be acting the part of dishonourable men if they broke up the combination at this point, if they accepted the results of it, as far as they are individually concerned, and if they abandoned those who had been previously evicted. I believe I am right in saying that few, if any, such cases have occurred. It has been universally accepted as the code of honourable men that they should stand by one another, and refuse to make terms unless the evicted men should be replaced in their holdings upon the same terms. Hundreds of cases have occurred of true heroism, where men have been offered terms which they would gratefully accept, but which they could not honourably accept, because the evicted tenants would not be reinstated. If I am right in my view of the morality of persons in this position, it also follows that when the combination has reached a point, where the landlord offers terms which are otherwise acceptable to the tenants, but

will not extend them to the tenants who were evicted before these terms were offered, the combination of the tenants, no matter by what name it be known, cannot be considered as either criminal or immoral. It is not criminal because no jury in Christendom would convict in such a case, and it is not immoral because the object of the tenants in continuing the combination is good and unselfish and honourable, and not the reverse.'

I then illustrated this proposition by the cases of the Clanricarde and the Ponsonby disputes, where I showed that the landlords had practically given way on the original demands of the tenants, and where the only remaining difficulty was that of the evicted tenants — that Lord Clanricarde would not reinstate the evicted men, and that Mr. Smith-Barry insisted upon punishing the evicted men by refusing terms to them which they could accept. 'What then,' I asked, 'was it that prevented the settlement of these and other cases? Why is it that the landlords will not refer to arbitration the remaining questions in dispute? It is, I believe, from the spirit of vindictiveness.'

I quoted in proof of this the vindictive speech of Mr. Smith-Barry, at Brampton, already referred to. In respect of Lord Clanricarde, I quoted a letter which he had written to the *Freeman's Journal* a few years ago, in which he admitted that he was actuated by vindictiveness against his tenantry, the result of the testamentary request of his father, which he has religiously followed. It was in reply to a correspondent of that paper from Loughrea who had drawn an invidious comparison between Lord Clanricarde's conduct as a landlord and that of his father the late Marquis.

'I have been informed,' he wrote, 'of a letter dated Loughrea, in which the writer, with indifferent success, attempted the easy task of drawing a comparison between my conduct and that of my father towards the people of my Irish tenantry. It is perfectly true that my father devoted many

years of his life to the interests of those on his property in Galway ; but he was so deeply wounded by their ingratitude, that in one of his last letters he not only strongly expressed his bitter disappointment and mortification, but even begged that I would remember it against them—the only instance of vindictiveness which I can remember on his part ; and I further gathered his opinion (which I share in) to have been that the people in question are incapable of gratitude and impossible to satisfy. Is it reasonable, then, to expect that I, discouraged by the evil for good my father met with from his tenants, should care to tread in his footsteps ?<sup>1</sup>

The ingratitude complained of was that the tenants had refused to vote in the election of 1871 at the bidding of Lord Clanricarde for Mr. Trench, the Tory candidate, against Captain Nolan. I went on to say, ‘Now, in view of this vindictive spirit, this combination of landlords to crush tenants, what is the duty of the Government ? What is your duty ? I hold that it is the duty of the Government not to allow the law to be made an engine of vindictive oppression ; it is their duty to prevent whole districts being cleared of their populations for the purpose of making an example to other tenants. If the Government refuses to take this view, if it continues to support these landlords, with their police and their Coercion Act, then the tenants in the disputes I speak of have no hope and no resort but

<sup>1</sup> On my return to Dublin a gentleman sought an interview with me, and said that he wished to speak to me on the subject of my speech at the Galway Convention. He was, he said, an illegitimate son of the late Lord Clanricarde. He desired to vindicate the character of his father against the aspersions of the present Lord, his son. He told me that he had often seen his father during the last year or two of his life ; and that in his last interview, Lord Clanricarde, shortly before his death, had expressed his great pleasure in being on such friendly terms with all his Galway tenants. My informant could not believe that the late Lord had ever written to his son in the terms described by the latter.

to appeal to public opinion and to the great body of the tenantry of Ireland for aid and support. My advice, then, to the tenants of the Clanricarde estate, and others in a similar position, is to hold by their combinations, not to yield separately without insisting upon terms for the evicted tenants ; to act as honourable men, and to stand by one another. To you, the general body of tenants, I can only say that your great movement is both wise and generous. It is alike your interest and your honour to come to the aid of those other tenants in these struggles. Their cause in the long run is yours, their defeat would ultimately entail defeat on yourselves, and your honour is concerned in not allowing them to fall a victim to syndicates of Smith-Barrys. Meet combination by combination. Time is on your side. The day cannot be far distant when there will be a General Election. These wholesale evictions, these syndicates of landlords to crush tenants, their use of the Coercion Act to imprison and punish tenants engaged in combination, will then be a potent argument in our mouths. Whether the elections come sooner or later, the only difference will be the less or more complete victory. There cannot be a doubt that, within a month after a victory on the hustings, every emergency man will have fled the district, and every bogus tenant will have resolved himself into his original elements ; and agreements will be come to between landlords and tenants on the estates where disputes exist, if not voluntarily, by compulsion. I am not in a position to bind the Liberal party. I speak only my own views, but I express my own confident opinion, when I say that a Parliament, in which the Liberal party will have a majority, will make short work of these cases of vindictive oppression and wholesale evictions ; and that every tenant who has been unjustly evicted may confidently hope to be reinstated in his holding, and that those who have suffered eviction from honourable motives, rather than abandon those tenants evicted before them, will



ever stand high in the memory of their countrymen as men who have suffered for an honourable cause.'

I have quoted at some length from this speech, for it expresses not the feeling of the moment excited by the enthusiasm of a popular meeting, but my deliberate conclusions arrived at after a careful study of the condition of many of the estates where these combinations of tenants exist. I should have been equally prepared to express these opinions and to use the same expressions had the police reporter been present.

*GALWAY GAOL*

WHILE at Galway I paid a visit to Mr. William O'Brien, M.P., who was then still in the gaol, undergoing his third sentence under the Coercion Act of 1887. I had arranged to pay the visit some days in advance, and Mr. O'Brien, who was only permitted to receive visits from two friends (at the same time) in each day, had been kind enough to reserve the day of the Galway Convention, when many others must have been desirous of seeing him, specially for myself and anyone whom I should choose to bring with me.

On my way through Dublin I had been informed by others, who had visited Mr. O'Brien in gaol, that they had only been permitted to see him in the presence of a prison warder, or of some officer of the prison. As this appeared to me to be quite contrary to practice in England in the case of prisoners confined in gaol as first-class misdemeanants, I wrote to the Chairman of the Irish Prisons Board in Dublin on the subject, informing him of my intention to visit Mr. O'Brien at Galway Gaol on December 10, and claiming as a matter of right that I should be allowed to see him, free from the annoyance of the presence of a prison warder. I pointed out that Mr. O'Brien was in prison only because he had refused to give bail for good behaviour, at the end of the two months, for which he had been imprisoned as a common criminal, that he was practically therefore in the position of a first-class misdemeanant. I stated that I knew that the practice in England was to allow such prisoners to

see their friends, without restriction as to number, and without the presence of a prison warder.

I also quoted precedents for dispensing with the presence of prison officials in respect of prisoners imprisoned in Ireland under the like circumstances. In 1868 the question of the presence of a prison warder had been discussed in the House of Commons in a case very similar to that of Mr. O'Brien. Mr. William Johnston, now one of the members of Parliament for Belfast, and then, as now, a prominent leader of the Orange party in the North of Ireland, had been prosecuted, convicted, and sentenced to imprisonment as a common criminal for taking part in an illegal assembly. As he was in bad health, the Government of the day offered to release him, provided he would give bail for good behaviour during the remaining period for which he had been sentenced to imprisonment. Mr. Johnston declined to adopt this course, lest it should be taken by his friends as an admission on his part that he had been rightly convicted, and that the meeting in respect of which he had been prosecuted was illegal. He remained in gaol, and directions were given by the authorities that he was to be treated substantially as a first-class misdemeanant. Among other things it was ordered that he was to be allowed to receive his friends while in gaol, but with the restriction that a warder was to be present at such interviews.

Exception was taken by Mr. Johnston's friends in the House of Commons to the restriction as to the presence of a warder, and a question was put to the Government on the subject. The then Chief Secretary, the late Lord Mayo, in reply, promised that the restriction should be removed, and undertook to give orders to the gaoler that Mr. Johnston should be allowed to see his friends without the presence of a prison warder. Lord Mayo adopted the same course in respect of the late Mr. A. M. Sullivan, and the late notorious Richard Pigott, who had been convicted and sentenced to

imprisonment for six months as common criminals for seditious libels, which the Attorney-General for Ireland had pronounced to be of a very aggravated character. Discussion arose upon these cases in the House of Commons, and Lord Mayo promised to direct that they should be treated not as common criminals but as first-class misdemeanants; and on the question of interviews with their friends, he specially said that they should be allowed to see their friends without the presence of prison warders.

I expressed the hope that the Prisons Board would issue the same orders in the case of Mr. O'Brien. I said that, although it would be extremely unpleasant to me to have a prison warder present at my interview with Mr. O'Brien, yet that I desired no special exception to be made in my favour, and that I made the application with a view to the treatment of such cases, generally, in a manner conformable to the best usages of the past, and, as I believed, to the practice in such cases of other civilised countries.

The Chairman of the Prisons Board in reply stated that the existing prison rules left the question of visits to first-class misdemeanants entirely in the hands of the Visiting Committees of the gaols; he said that it was not in the power of the Prisons Board to interfere, and he referred me to the Visiting Committee for what, he was pleased to call, the exceptional privileges I sought in regard to visiting Mr. W. O'Brien, unmindful of the fact that I had specially disclaimed any personal privilege in the matter.

With respect to my statement as to the practice in England, Mr. Bourke said that he had communicated with the English Prisons Board on the subject, and that he was informed that the rules, which in this matter were the same in England as in Ireland, were in no way relaxed in this particular, but they believed that the local authorities had in certain instances relaxed them, showing clearly that the

practice in England was to leave this matter entirely to the Visiting Committees.

He added that the cases I had quoted as having occurred in Lord Mayo's Chief Secretaryship for Ireland, about twenty-five years ago, were in no way applicable to the prison rules of the present day, as the whole prison system in England and Ireland had been revised by Parliament in 1877. He ended by saying that I must see that the Prisons Board was quite powerless in the matter, having regard to the existing rules in practice in reference to first-class misdemeanants.

In accordance with the suggestion of Mr. Bourke I forwarded the correspondence to the Governor of Galway Gaol, requesting him to lay it before the Visiting Committee, and pointing out at the same time the paragraph in my letter, in which I disclaimed any personal privilege, and made the claim generally on behalf of all visitors to Mr. O'Brien.

On arriving at Galway I wrote to the governor that I should visit Mr. O'Brien, M.P., at a certain time on December 10 in company with Mr. Foley, one of the members for the county of Galway. On arriving at the gaol in company with this gentleman, I was informed by the governor that the Visiting Committee had met and considered the correspondence, and had given directions that I was to be allowed to see Mr. W. O'Brien without the presence of a warder. He added that he had no such authority to dispense with the presence of a warder in the case of Mr. Foley, M.P.

Mr. Foley, not being allowed to see Mr. O'Brien with myself without the presence of a warder, was also unable to see him on the same day separately in the presence of a warder. I protested against this, and I claimed on behalf of Mr. Foley and myself that under the Prisons Act, and in the absence of any specific rule requiring the presence of a warder

at interviews with persons in the position of Mr. O'Brien, we were both of us entitled to see him without such presence. The governor of the gaol would not accede to this view. Mr. Foley then left the prison, indignant, and rightly so, at the difference of treatment of an English member compared with an Irish member, which had been thus brought into strong relief.

I was then admitted to the room in which Mr. O'Brien saw his friends. No warder or prison official was present, and I was told that I might remain with him for an hour. I found Mr. O'Brien in excellent health and spirits, and making no complaint of his general treatment while in gaol. He had been originally sentenced to two months' imprisonment as a common criminal, with a further requirement that he should at the expiration of the two months give bail for good behaviour, and in default of doing so be imprisoned for a further period of two months—a form of sentence which is extremely rare, if not unknown in England, and which was certainly not contemplated when the Coercion Act was passed.

The sentence was equivalent to a four months' imprisonment, for it could not be for a moment expected that Mr. O'Brien, or indeed anyone in his position, would give bail for good behaviour, and by so doing admit that he had been in the wrong. If there had been a spark of generosity in the Irish Government, they would have released Mr. O'Brien on the termination of the two months' imprisonment. During the second two months, when he was in gaol, only because he refused to give bail, there came before the Court of Appeal in England the action of Mr. O'Brien against Lord Salisbury, which had been tried before Mr. Justice Stephen, and where an application was made for a new trial on behalf of Mr. O'Brien. Most people would suppose that a generous feeling towards a political opponent would have suggested to the Prime Minister, or to the Chief

Secretary, that it would be well to release Mr. O'Brien, in order that he might be present in court and be able to communicate with the counsel pending the hearing of the case ; the more so as Mr. O'Brien was only in prison on a point of honour—*i.e.* for refusing to give bail. But no ! never once has the present Government gone an inch out of its way to alleviate the harshness of its coercive policy, even in its minor details, or to do a generous action, or to do anything, however small, which might be considered a concession to opinion in Ireland.

Mr. O'Brien informed me that immediately on being imprisoned on this, the third occasion, he was placed in the prison hospital, although he was in perfect health, and although there was no longer any possibility of his being able to resist by force the remaining indignities and harsh treatment to which such prisoners as himself are still subjected. His treatment in this manner only makes it the more unintelligible why he was not treated in the like manner on being sent to gaol on previous occasions. The only answer is that he had completely beaten the prison authorities and the Government, in this matter of prison treatment, and that they no longer cared to come into conflict with him. While in the prison hospital, Mr. O'Brien was allowed to read and write ; he was no longer treated to prison fare or to the plank bed. Why, then, it may be asked, are other members of Parliament and other political prisoners convicted under the Crimes Act to be subjected to these indignities and harsh treatments, from which Mr. O'Brien has now at last been relieved ?

I found Mr. O'Brien engaged in a discussion with the Prisons Board not dissimilar to that which I had raised on his behalf. He had claimed the right of editing his newspaper, *United Ireland*, under the prison rule, which enables first-class misdemeanants to follow their trades or professions. Hitherto the only paper which he was not

allowed to read was his own. The Prisons Board, after long hesitation, gave him the permission he asked for, as a favour. Mr. O'Brien has since maintained his claim as of right, and the Prisons Board has been compelled to give way. I have since heard that those columns of *United Ireland* supplied to him, which contained reports of the suppressed branches of the League, were blackened over. What puerile precaution ! What petty, vexatious exhibitions of authority ! What possible results could follow from Mr. O'Brien reading these reports ?

On my return to Dublin I addressed another letter to the Prisons Board, in which I narrated what had happened at Galway Gaol, the admission of myself to an interview with Mr. O'Brien without the presence of a warder, and the refusal of this to Mr. Foley, M.P.; and I stated my reasons for concluding that the prison authorities were not justified, either by the letter of the Prisons Act or by its spirit, or by the practice in English prisons, in insisting upon the presence of a warder at interviews between prisoners in the position of Mr. O'Brien and their friends.

'Mr. O'Brien,' I said, 'is in the position of a prisoner who is in custody for refusing to give bail, and by the rules of the Prisons Board he is subject to the same regulations as prisoners awaiting trial. By the 13th section of the Irish Prisons Act, the Prisons Board is directed to make special rules—among others (3) with reference to the communications between a prisoner, his solicitor and his friends, so as to *secure to said prisoner as unrestricted and private communications as may be possible*, having regard to the necessity of preventing any tampering with evidence, and any plans of escape or other like considerations. In the various rules made in pursuance of this section, there is no one requiring the presence of an official at interviews between prisoners and their friends, and in the absence of such a rule, either on the part of the Prisons Board or the



Visiting Committee, the practice of requiring such presence is, in such cases as that of Mr. O'Brien, opposed to the language, and at all events to the spirit, of the section.

'In the case of "bail" prisoners there are no considerations such as the possible tampering with evidence, or plans of escape, which could reasonably be said to require an interference with the '*unrestricted and private communications*' between them and their friends.

'I am unwilling, however, to base a claim for the treatment in this respect of Mr. O'Brien and other persons in the same or analogous positions, such as first-class misdemeanants, merely on the legal construction of the statute. It is undoubtedly within the power of the Prisons Board to direct that any class of prisoners shall be relieved from any such regulation, if it exists, requiring the presence of a warder at their interviews with friends. In this view consists the importance of the precedents I quoted in my letter of December 5—namely, that of Mr. W. Johnston, M.P., who was practically in the position of a bail prisoner, Mr. Sullivan, and Mr. Richard Pigott. It does not appear to me that the twenty years, which have elapsed since these cases, at all affect the principle involved. The spirit of the Prisons Act of 1877 was to mitigate the severity of the treatment of prisoners, not to increase it.

'In England I have ascertained that within the last few years the late Colonel Baker, Mr. Edmund Yates, the Editor of the *World*, and Mr. Stead, the Editor of the *Pall Mall Gazette*, who were treated as first-class misdemeanants during their imprisonments, were allowed to see their friends without the presence of warders. Mr. Stead has informed me that he made no application in this matter to the Visiting Committee, and he is not aware whether there was any rule on the subject, or whether it was dispensed with in his case. The fact is certain that he was allowed to see his friends without this annoying restriction.

It is well known that Mr. O'Brien will not ask for any special favour in this or any other matter. Many of his friends, like myself, may be equally unwilling to claim special favour from the Prisons Board or the Visiting Justices when intending to visit him. It appears to me that the Prisons Board should in such cases act spontaneously, in accordance with the precedents I have quoted, without waiting for claims for exceptional treatment either from the prisoners or their friends.'

No answer has been made to this communication by the Prisons Board, doubtless for the best of reasons—namely, that no answer can be given it. In this, as in any other matter connected with the administration of the prisons, in respect of prisoners convicted under the Coercion Act, the policy has been to press to the very utmost the severity of the prison rules, and to make no concession, which could be construed in the smallest degree as admitting that such prisoners were entitled in any respect to be treated with the consideration due to political opponents, and equally to do nothing which could be regarded as a concession to public opinion in Ireland.

The key to the whole policy of the Government in this, and in every other matter, has been their determination to trample on public opinion in Ireland, and to refuse or neglect anything, however small, which might be considered as showing in the slightest degree a conciliatory spirit towards the enormous majority of the Irish people.

*DROGHEDA*

ON leaving Galway I returned to Dublin, and, after spending a day there, in the course of which I heard Archbishop Walsh, and Mr. Sexton, the Lord Mayor of Dublin, speak at the Tenants' Convention held at the Rotundo, I went on December 12 to Drogheda, to take up the freedom of the town, which the Corporation had unanimously conferred upon me some months previously.

On arriving at Drogheda with Mr. T. A. Dickson, M.P., and several other Irish members, we were received by the Mayor and Corporation at the station in their robes, and were conducted by them to the Town Hall. As, however, there was a considerable interval before the time fixed for the ceremony, we were able to make an expedition to the Massereene estate. We were pursued on our way there by two cars full of police, who dogged our steps and stopped wherever we did, exactly in the same manner as the police at Youghal had done. What they could have expected to take place I know not, as there never was any intention of holding a meeting at any point of the Massereene property. Practically our trip consisted of nothing more than a visit to Father McKee, the parish priest of Monasterboice, with whom we had lunch, and, after seeing a few of the tenants, and having a bird's-eye view of some of the farms, we found it necessary to return to Drogheda.

I had last been on the Massereene estate when I crossed the Channel for the purpose of being present at Mr. Dillon's trial, which took place at Drogheda in June, 1888. On the

day after the trial I visited the estate, went to the village of Collon, in the centre of the Massereene property, where I saw Mr. Wynne, the late agent of Lord Massereene, and then to the village of Monasterboice, where I saw several of the smaller tenants and heard their story.<sup>1</sup> My visit to Mr. Wynne had the important result of eliciting the fact, not previously known, that when, in 1886, the tenants of this property asked for an abatement of rent, Mr. Wynne, who was then agent, had advised Lord Massereene to concede an abatement, in the same manner as other landlords in the neighbourhood were doing, and that Lord Massereene not only refused to do so, but parted company with his agent for giving him this advice; and that he further refused even to receive a deputation from his tenants.

This statement, which I have often made in the House of Commons and elsewhere, has never been denied. The case, therefore, closely resembles that of Lord Clanricarde. The dispute was commenced by this ill-judged refusal on the part of the landlord to make any abatement, and by his placing his affairs in the hands of Messrs. Dudgeon and Emerson, a Dublin firm whose *spécialité* it was to break down combinations of tenants, and who had been closely connected with the association for the employment of emergency men. This in itself was a declaration of war on the part of the landlord.

Mr. Dudgeon, the acting partner of this firm, so far as this estate was concerned, is a man of the greatest energy and astuteness; he left no stone unturned for the purpose of breaking down the combination; and he had more advantages for this purpose on this estate than has any other landlord or agent in other parts of Ireland. He exhausted every known process of law, ejectment, distraint, and bankruptcy proceedings, with this object. Of the two hundred

<sup>1</sup> See *Incidents of Coercion*, 3rd Edition, pp. 110, 136.

tenants, thirty were Protestants, who did not join in the combination, but who had an understanding with the landlord that they should share in any advantage which he might find it necessary to concede to the other tenants. This nucleus of a Protestant community, in the centre of a Catholic population, the result, it has been said, of a partial clearance of Catholic tenants by an ancestor of the present peer, and of a plantation of Protestants in place of them, gave Mr. Dudgeon the greater hope of success, as it deprived the majority of tenants of the advantage derived from solidarity, and offered a rallying point to fresh importations of Protestant colonists brought there under the scheme which will be shortly described. Besides his familiarity with every process of the law, and with all the machinery of emergency men, Mr. Dudgeon was not above leading himself midnight raids in distraint of the tenants' cattle.

The tenants made every resistance possible to all these proceedings. Evictions of batches of them took place from time to time. As all these failed to quell the spirit of the combination, the landlord, or rather Mr. Dudgeon, with whom the management of the estate appears to have been entirely left, found it necessary at last to offer large concessions. Some of the tenants had before the commencement of the dispute applied to the Land Commissioners for judicial rents, and after the usual delay of two to three years, a sub-commission had given its decisions in these cases, and had actually awarded on the average a larger reduction of rent than the tenants had asked for two years previously. The County Court Judge, before whom proceedings for ejecting these very tenants were being tried, suggested that the arrears of rent, then amounting to three years, should be reduced in the same proportion. The agent adopted this advice, and made the same offer to all the tenants still in possession, and also to reduce the arrears in respect of judicial rents by the same amount as had

been awarded by the Lands Commission under the Act of 1887.

There can be no doubt that if equivalent terms had been offered by Lord Massereene at the outset of the dispute, there would have been no difficulty ; the combination would have been avoided ; Mr. Wynne would have continued to be agent, and there would have been no evictions, no prosecutions, no legal proceedings. The tenants in possession were perfectly ready to accept these terms, provided that the evicted tenants were reinstated in their holdings upon the same basis. Here, however, arose the difficulty. In the first instance the landlord objected to the reinstatement of any of the evicted tenants, but he gave way on this total exclusion of the evicted tenants, and finally took his stand on the exclusion from the settlement of three evicted tenants, whom he regarded as leaders of the movement, and as responsible for the combination of the other tenants.

The tenants refused to abandon their leaders, and were prepared to continue their combination, and to submit to eviction rather than adopt a course which they held to be dishonourable. I have quoted in my former account of these proceedings a letter on this subject to Father McKee from Dr. Logue, Archbishop of Armagh and Primate of all Ireland, one of the most respected and most moderate of the Irish Catholic prelates, in which he condemned this attempt on the part of Lord Massereene to exclude the leaders of the movement. 'It appears,' he said, 'that his lordship intends to make evictions, and I am much mistaken if that intention does not shut the doors against an amicable arrangement. He may perhaps succeed in patching up some kind of temporary arrangement on these terms, but he will leave an amount of smouldering discontent which is likely to break into a fresh flame of still greater volume.'

The case was very much what would be the position in

a strike of labourers, where the employers, after a prolonged contest, should offer to concede the demands of their men, but in taking them back into their employment should make an exception as against the leaders of the men in their strike. In such a case it would be unreasonable to expect the men would consent to humiliate themselves by coming to terms with their masters and at the same time abandoning their leaders, whose advice had practically achieved success to them. It cannot be expected that honourable men would descend to action of this kind.

Every possible effort and every resource of Messrs. Dudgeon and Emerson, and every influence that could be brought to bear upon the tenants of the Massereene property, were used to induce them to give way on this point. It was to combat these influences, and to keep up the spirit of the tenants, that Mr. John Dillon came down to the district in April, 1888, and made the speech at Tullyallen in which he passionately urged the men to stand by their combination, to stick to the Plan of Campaign, and not to abandon their leaders by coming singly to agreement with their landlords. For this speech Mr. Dillon was convicted for inciting the tenants to combine against payment of their rents, and was sentenced to imprisonment for six months as a common criminal. I have always maintained that a more unjust verdict and more infamous sentence were never given in a so-called court of criminal law. I have myself frequently in the House of Commons and on public platforms in England maintained that, without adopting all the language of Mr. Dillon, his advice to the tenants of Lord Massereene, which formed the substance of his speech and for which he was prosecuted, was what any reasonable man would give them under the circumstances in which they were placed ; that no man of honour could advise them or expect them to accept the terms of their landlord, however advantageous, when by so doing they were abandoning to their fate the leaders of the

movement by whom they were bound to stand, and by whose efforts they had succeeded in extracting these favourable terms. I maintained also that no jury could be found in the United Kingdom which would convict Mr. Dillon for such a speech. The case has always seemed to me the best exemplar of the effect of the abolition of trial by jury, by which decisions on matters of fact and on the tendency and morality of speeches were submitted first to two Resident Magistrates, mere agents of the Government, and then, on appeal, to a single judge—it may be a highly prejudiced man—who would look at the question at best from a purely technical point of view, and without that regard to all the surrounding circumstances, which it is the special province of a jury to take into account.

Thus the matter stood when I was last at Drogheda, eighteen months ago. Since then the agrarian struggle on this estate has continued without interruption. The landlord refused to give way on the point of reinstating the evicted leaders of the tenants ; evictions were resumed. The battle has practically been waged on behalf of Lord Massereene, not in the interest of the estate, nor in his own interest, for the pecuniary sacrifices entailed upon him by Mr. Dudgeon's proceedings must be enormous ; but in the interests or supposed interests of other landlords, and probably in the interest of the Government, whose principal function in Ireland has been to crush and put down the combinations formed by tenants to save themselves in the crisis of 1886, on the Government refusing to do so by legislation. Lord Massereene, for reasons well known in the district, but which it is unnecessary more fully to explain, is not capable of a sustained and enlightened management of the estate ; he practically left it entirely in the hands of Mr. Dudgeon ; and the employment of this gentleman really meant that the dispute was to be fought out to the bitter end in the interest of other landlords, in a vindictive



spirit to punish the leaders of the tenants, and with the object of crushing and defeating a dangerous movement of combinations of tenants.

It is impossible not to award a certain meed of praise to this gentleman for the manifold ingenuity by which he has endeavoured to gain this end. By offering to individual tenants terms of the most liberal treatment, by threatening them with eviction, by a free use of all the powers of the Coercion Act to imprison and punish, by his scheme of planting the estate with Protestant tenants, and thus inducing the belief that all hope of reinstatement in their holdings would be destroyed if once they should be evicted, a certain number of tenants who joined in the combination, and who entered the Plan of Campaign, have been compelled or induced to give way, to abandon their fellow-tenants whom they had agreed to stand by, and to come to terms singly with their landlord, by paying or promising to pay—for a nominal subscription was in most cases all that was required—a single year's rent, with a handsome abatement of the three or four due, leaving the question of arrears undecided. The larger body of the tenants, however, have stood firm to their combination, and of these over forty have now been evicted, and the remainder are expecting that process. It is said that some of those who submitted now regret that they abandoned their fellow-tenants, and are anxious to return to the combination if their fellow-tenants will accept them back.

The principal change, however, that has occurred on the estate since I was last here, is that a certain number of the farms from which the tenants have been evicted have been let to Protestants from the North of Ireland. It appears that, shortly after my visit, advertisements were inserted in the Ulster newspapers, offering farms on this estate to Protestant tenants, and Protestant tenants only. There can be no doubt, therefore, that a deliberate policy was entered upon

of colonising the evicted farms with a Protestant tenantry, and as a result a considerable number of such tenants of some kind or other have been placed on the land. It is confidently believed by the evicted tenants that the larger proportion of these are mere 'bogus tenants,' men drawn from the class of emergency men or from broken-down tenants, who have been failures elsewhere. It is admitted, however, that five or six of the new tenants are substantial men, who have been induced to come to the estate by very favourable offers. On the other hand, it is with equal confidence claimed on behalf of the agent, Mr. Dudgeon, that he has been completely successful in this scheme, and that nearly all the evicted farms are now in the occupation of solvent tenants, who are capable of doing justice to the land.

There appeared on June 15, 1889, an elaborate account of this colony of Protestant 'plants,' as they are called, in the *Belfast Weekly News*, evidently inspired by Mr. Dudgeon, and which may be taken as representing the facts as they are desired to appear by him. It is there stated that at that time twenty-six Protestants had been placed in the possession of farms from which the Catholic tenants had been evicted, some of them on two such farms, and the details of each case are given. Without entering upon the question whether all or what number of these men are substantial and really solvent tenants, it is worth while to examine the cases for the purpose of understanding the nature of the operation, and the terms on which these new tenants have been admitted.

In the first place, a large proportion of the new tenants have been admitted at rents considerably less than the former tenants. Taking the first on the list, that of F. Dundas, a tenant from Fermanagh; he has been given a lease for thirty-one years at a rent of 58*l.* for 98 acres, for which the former tenant paid 75*l.* a year—a reduction, therefore, of 20 per cent. Another case is that of W. Kells, who has agreed to pay 36*l.* a year for fifty-eight acres, of which

the former rent had been judicially fixed at 30*l.*—a difference of 15 per cent. The only case in which a higher rent is to be paid by the new tenant is that of Fletcher, a Scotchman, from the Island of Mull, who has agreed to pay 50*l.* a year for 58 acres, of which the previous rent was 41*l.* ; but in this case the landlord has agreed with the new tenant to erect a new house at a cost of 400*l.* Practically, therefore, the rent will be much less than the former rent.

The next point is that these new tenants have been admitted to the farms without paying anything whatever to the evicted tenants, either for the interest in the permanent improvements on the farms, for the tenant's interest, or for any growing crops on the farms. The interest of the evicted tenants averaged in value at least 10*l.* per acre, and in many cases a great deal more. The whole of this has practically been made over to the new tenants, without any payment on their part, either in the shape of money down, or in increased rent. Three of these new tenants are represented to have held farms at Monaghan, where the interests were valued at between 200*l.* and 400*l.*, and which they proposed to sell. It would seem, however, that when it became known in the neighbouring districts of Monaghan that these tenants were parties to this Protestant plantation scheme on the Massereene estate, the public indignation was such that no one could be found to bid for the interests on these farms, and the tenants have been unable to realise.

It is, however, clear that, if these tenants should be able to maintain their position on the Massereene estate and are average farmers, they will have come into possession, without any payment, of the tenants' interest in the evicted farms, worth very large sums of money, and which hereafter may be saleable. It is not therefore to be wondered at, that, in popular estimation, these 'Plants' should be considered as 'Land Grabbers'; they have appropriated the property of others; they have been bribed by the free gift of these

interests to come on to the estate and become tenants of Lord Massereene at lower rents than the old tenants. It appears also that the new tenants have had the further prospect held out to them of a large outlay on the part of the landlord in the shape of new buildings and other improvements. At one time it appears to have been contemplated to make the new tenants pay a premium on entering these farms in respect of these improvements. In the report I have referred to, this proposal is deprecated and denounced in strong terms.

‘We think,’ it is said, ‘that this Protestant colony would be treated most unfairly by Lord Massereene if such a course as requiring the payment of a premium were insisted on. We conjure him to avoid it by all means, and not to listen to anyone who would advise it. We, on the other hand, see that Lord Massereene has a justification for such a thing in the large outlay on the new farm buildings that are being erected. It would be a pity that his lordship should have to pay for all this. We apprehend that the fund that the Duke of Abercorn, Sir Edward Harland, and Mr. T. W. Russell and others have to administer will be available for this. In all Ireland we do not know a case where it would be more appropriate to begin distributing assistance than to Lord Massereene. . . . These plucky tenants, too, ought to receive some consideration, and, when aiding Lord Massereene, we hope and believe the committee will aid them at the same time.’

Whether before or since then these imported men have received any assistance by way of loan on favourable terms similar to those on the Coolgreany estate is not known ; but as the Coolgreany ‘Plants’ have received their loans through the agency of Mr. Dudgeon, it appears more than probable that he has been equally liberal to the Massereene ‘Plants.’

Again, in the account to which I have referred, not a word has been said upon the important point whether any

rent has been received by the landlord from this colony of Protestant 'Plants.' The silence on this point is significant, and it may be assumed, in view of the experience on the Coolgreany property, that the estate account in this respect is not a satisfactory one. If there had been anything to rejoice over, it would certainly have been referred to. In estimating also the success or failure of the operations, it would be desirable to know what has been the total cost to the landlord of the whole scheme of clearing the estate of the tenants and of replacing them with this importation. Rumour says that the loss to the landlord has been enormous. It has been put as high as half the freehold value of the land. It is perhaps the presentation of the bill of costs which has led to the recent separation between Lord Massereene and Messrs. Dudgeon and Emerson, and to the estate being put under the management of a new agent.

We are now in a position to form an idea of the conditions under which these 'Plants' have been induced to come upon the property.

1. They have received the whole of the interests of the evicted tenants, without paying a penny for them.
2. Their rents have been fixed often much below those of the evicted tenants, even in the case of judicial rents.
3. They have the benefit of a large expenditure on the part of the landlord, without paying either a premium for it or increased rent.
4. They have most probably received loans on very favourable terms from the society founded by Mr. T. W. Russell.
5. It is probable that they have not been, or will not be, required to pay rent for the first year or two.

It cannot be wondered at that a certain number of men should be found to accept these splendid terms, and to put themselves in the invidious and odious position of coming into this district and appropriating the interest of tenants, who have been evicted under the circumstances of the Masse-

reene tenants. That under the circumstances so very few tenants out of all Protestant Ireland have been induced to accept these bribes, is in itself a most remarkable testimony to the state of public opinion on the subject in Ireland, and a fact creditable to the Protestant tenant-farmers as a class. It would be difficult to conceive a scheme more reprehensible and more odious from any point of view.

This scheme of planting Protestant tenants in a Catholic district was denounced as soon as it was started, in the strongest terms, by the Ulster Tenants' Association. 'This is no question,' they said, 'of Protestantism or party obligation, but of justice and fair play. The Land movement in Ulster has hitherto been kept as far as possible from sectarian considerations. Any sharp difference which has arisen between Roman Catholic tenants and their landlords has been agrarian and not denominational; to treat it as denominational ignores the real cause of Irish disturbance. The introduction of the sectarian element into the land struggle is a prostitution of the sacred cause of religion, and calculated to raise animosities which in bygone times marked the reign of bigotry and intolerance. Being impressed with these views, we strongly condemn and deeply deplore the movement to replace Catholic tenants with Protestants. It would be far wiser and nobler on the part of the landlords and tenants of the estates, to which the movement is directed, to submit the dispute to arbitration, than to rekindle the dying embers of sectarian hatred in our distracted country. We solemnly appeal to the promoters to pause in their ill-judged and deplorable enterprise. We also appeal to the Protestant farmers of Ulster to abstain from it. The whole scheme deserves nothing but reprobation from the Protestant people of Ulster, and we trust it will be scouted out of existence as the conception of a galvanised fanaticism.'

This emphatic and dignified condemnation of the scheme

from a quarter representing Protestant Ulster has unfortunately not produced any effect upon the promoters of it. It remains to be seen, however, whether tenants who have come into existence in this artificial manner, who have been so heavily bribed to take the land, and who are acting so totally against the almost universal feeling of Ireland, will have any substantial and permanent existence.

On returning to Drogheda after visiting the estate, we drove to the Town Hall, where the Mayor and members of the Corporation were ready to confer upon me the honour of the freedom of the borough. The Corporation is one of the most ancient in Ireland, and has enrolled among its honorary members many more distinguished men than myself. Among those in past times were pointed out to me the names of Henry Grattan and Sir John Parnell, Chancellor of the Exchequer in the Irish Parliament. Those immediately before me on the roll were Charles Stewart Parnell and John Dillon.

Before the ceremony commenced, the Mayor stated that the police had sent word to him to ask that a police reporter might be present, in order to take notes of what should be said. He had peremptorily refused this, regarding the demand as an insult to the Corporation and to myself. When I heard, however, that this demand had been made, I desired that the police reporter should be sent for ; I was most unwilling that it should be said that I was afraid of any consequences which might ensue from anything I might say. With some reluctance the Mayor assented to this course.

The ceremony of presenting me with the freedom of the borough was then carried out in the presence of a large assembly of people in the Town Hall, and I replied, thanking the Corporation for the great honour conferred upon me. Immediately after this another address was presented to me by the tenants of the Massereene estate. I had not expected

this until I came into the hall, and what I said in reply to it was quite impromptu. Speaking, however, in the presence of the police reporter, I felt that I could not mince my words, and I replied in terms which expressed to the full my opinion of the position of the tenants, and not substantially different from what I have said in the House of Commons and elsewhere in England. The tenants in their address thanked me for the interest which I had taken in the struggle in the Massereene estate. 'We remember,' they said, 'with feelings of lasting gratitude your visit amongst us in June, 1888, when you took the most careful pains by seeking information, on the landlords' side as well as on the tenants', to ascertain the true state of the dispute between Lord Massereene and his tenantry, and the effort you made to effect a settlement on the estate. When you decided that the cause of the tenants was just, you advocated their cause in the Imperial Parliament and in your writings, which have done a great deal to enlighten English public opinion on the relations between landlord and tenant in Ireland. . . .'

In my reply I briefly recapitulated the principal incidents of the dispute; the initial injustice on the part of Lord Massereene in refusing to make any abatement of rent, the dismissal of his then agent, the appointment of Messrs. Dudgeon and Emerson, the combination of the tenants, the consequent evictions, the subsequent offers of the landlord of allotments, which, if conceded in the first instance, would have avoided all dispute, but his refusal to reinstate the evicted tenants who had been leaders in the movement. I referred also to the planting of the estate with Protestant tenants, and expressed the opinion that the scheme would turn out a failure. I then went on to say:

'I can only give to the Massereene tenants the same advice I gave to the Clanricarde tenants two days ago at Galway. I say to the Massereene tenants that as their



landlord is now prepared to give terms as good as they originally asked for, and as the only difference now is the reinstatement of the evicted tenants who were leaders of the movement, their combination cannot be described as either criminal or immoral. I told the Clanricarde tenants, and I tell the Massereene tenants now, that they will be acting as honourable men in refusing to make terms with their landlord until all the evicted men are replaced in their holdings. The evicted tenants have suffered for a common cause; a promise has been made by the tenants as a body to stand by them in time of trial, and not to come to terms with the landlord unless the same terms are conceded to all. I say that the morality of the position is this—that the tenants in possession cannot as honourable men come to terms that will exclude the evicted tenants. I am prepared to submit this question of morality to any authority, to any bishop even. I will call your attention to what has recently occurred in Limerick. The Bishop of Limerick is one of the strongest opponents of the Plan of Campaign. He was recently asked by some tenants who had combined and adopted the Plan of Campaign whether they ought to make terms with their landlord, and thereby abandon the evicted tenants who had been parties to the combination. I believe I am right in saying that the Bishop of Limerick told these tenants that their position was somewhat different from that he had contemplated when he had published his condemnation of the Plan of Campaign, inasmuch as they had entered into the combination before the issuing of the Papal Rescript from Rome, and that therefore they were justified in maintaining their combination. In my opinion, the morality of the position is not altered by the date of the Papal Rescript. . . . When I was last in this district I felt great hesitation in giving advice, because it is a serious responsibility to give advice to tenants who are on the point of being evicted, or where there is no certainty of their being reinstated in

their holdings. But I have expressed in Parliament and elsewhere my view as to the morality of the question so far as the tenants are concerned. It is manifest now, by the way the question has been taken up by the people of Ireland, that the cause of these evicted tenants will not be lost sight of. I believe Ireland will never allow these tenants to suffer for their conduct. My advice therefore to the Massereene tenants is to stand by the evicted men, to maintain their combination, to refuse to come to terms unless equal terms are given to all. The day cannot be far distant when the general election will take place, and I have not the smallest doubt that at that election the Liberal majority will again prevail. I believe one of the first acts of that Liberal majority will be to bring to a conclusion these disputes on equitable grounds, in such a manner that the evicted tenants will be replaced in their holdings. Though I speak only as an humble individual member of the Liberal party, and without authority from others, I cannot doubt that will be the action of the new Parliament, and at all events my own action will be directed towards that end. I will do what I can in the new Parliament to secure that justice shall be done to the body of men who have suffered for their fellow-tenants, and for the cause generally of the tenants of Ireland.'

It will be seen that substantially my speech on this point, and my advice to the tenants of the Massereene estate, was identical with that which I made at Galway to the Clanricarde tenants. The only difference was that at Drogheda I spoke in the presence of a police reporter; his presence had been demanded by the Government, which, therefore, had full cognisance of what I said. As no consequences have followed, I have the satisfaction of having made it impossible for any further prosecutions to be instituted against Irish members or others, for recommending any tenants in combination under similar circumstances to stand by their com-

bination, and to refuse to come to terms singly with their landlords.

The proceedings at Drogheda were concluded by a banquet with the usual speeches. We returned to Dublin at night, followed to the station by a large body of people, who bid us a hearty farewell.

It is my earnest hope that when I again visit Drogheda I may find this unfortunate dispute closed, and the evicted tenants again in their holdings. I cannot regard the plantation scheme as having real vitality in it. I believe the bulk of the persons now in possession of the holdings will melt away and disappear within a few weeks after the next general election, if the majority should rest with the Liberal party. What will happen if the reverse should be the result of the popular appeal, I would rather not prophesy. It is very certain, however, that a legacy of most serious character will be left to whoever has to administer Ireland, the full effect of which will only appear when all hope has disappeared of the reinstatement of evicted tenants.

### THE COOLGREANEY PLANTATION

DURING my visit to Ireland I took the opportunity of paying a visit to the Coolgreaney estate in Wexford. I left Dublin by an early train with Mr. Alfred Webb, for Wicklow. We were there met by the parish priest, Father Dunphy, and his curate, Father O'Donnell. After breakfasting with the former, we set off in a brake with Father O'Donnell and three or four other gentlemen for Coolgreaney, distant about three miles. On arriving at the boundary of the property we found Captain Hamilton, the agent of the estate, in a car. He stopped us, and in a somewhat peremptory tone demanded whether we had come to make personal inquiry into the solvency of the new tenants of the estate, in accordance with a challenge which he had addressed to the *Freeman's Journal*. He said that he was prepared to take us to the tenants' houses, and to show that they were substantial men, and that their land was stocked. I said that it was not my object to enter into a minute investigation of the condition of each tenant; that the *Freeman's Journal* intended sending down a commissioner for the purpose; that my own object was to get a general view of the property, and of the condition of the farms, and that I should be very glad to avail myself of any facilities he could afford me for seeing the estate, or any information he could give me. Captain Hamilton did not respond to this, and backed out of further communication. Later, at the village of Coolgreaney, we met Father O'Neill, the priest of one of

the parishes in which the estate lies, who has taken an active part on behalf of the tenants in their long struggle. He impressed me as one of the ablest men I have met with in Ireland. His voice and manner reminded me much of Sir Charles Russell. I also met a number of the evicted tenants. Father O'Neill showed his skill in making them tell their stories clearly and shortly, and without rambling into unnecessary details.

The estate consists of a little over 5,000 acres, and it is about four miles in length by two and a half miles in width. On one part of it is the Croghan Hill, which affords good pasture of about 800 acres, and on which the Croghan tenants have the right of turning out their cattle. The owner, Mr. Brooke, who is non-resident, and a wine merchant in Dublin, bought the estate in 1864 for 72,000*l.*, a very high price for a gross rental of 2,600*l.* There were recently 114 tenants on this property, of whom twelve were Protestants with farms averaging 100 acres ; while the Catholic tenants, as is often the case, had inferior land at higher rents, and averaged only 35 acres. The rents, it is stated, were raised 20 per cent. by Mr. Brooke shortly after the purchase, and the tenants allege that a majority of them were then deprived of their valuable right of turbary. On the other hand, it is asserted by the landlord's friends that he expended much in assisting the tenants with materials to rebuild or improve their houses. The tenants complain that they had always been rack-rented under the former owner, and that the addition of 20 per cent. reduced them almost to poverty. It is certain their rents were very much above the Government valuation. Of the seventy-four tenants, dealt with hereafter, the rents were 1,871*l.*, and the valuation 1,228*l.*, a difference of 30 per cent. ; while on the neighbouring estate of Lord Carysfort the rents were fixed at the Government valuation, and those on Mr. Quinn's estate at a point a trifle lower. In 1879 Captain Hamilton became agent of the

property, and in 1881 he gave the tenants an abatement of 25 per cent. for the year. In 1882 eleven tenants applied for judicial rents under the Land Act. They allege that Captain Hamilton threatened them with appeals if they did so, and said that he had influence with the Land Commission, and would defeat them. The reductions of rent by the sub-commission were very small. In five cases Mr. Brooke appealed, and the Land Commission in 1883 restored the rents in these cases to nearly their former amount. The tenants were loud in their complaints of this. Other tenants were deterred from going into court.

In 1886 one of the tenants named Lenehan was evicted under circumstances which the tenantry generally considered very harsh. He had demanded an abatement of rent in 1885; no definite reply was made to his appeal. In May, 1886, when his crops were sown, proceedings were taken against him. The interest in his holding was put up for sale, and was bought in by the landlord for a nominal sum, and in July he was evicted. The eviction was carried out by Captain Hamilton in person, with the sheriff, a resident magistrate, and fifty police. It is alleged that the police were so much affected by the harshness of the proceeding, under which Lenehan's house and crops were taken and he was deprived of all compensation, that they voluntarily collected a sum of money for him.

Later in the same year, 1886, when all hope of legislation in accordance with the demands of the Irish representatives in Parliament was dispelled, the tenants met in council, and determined to adopt the Plan of Campaign, if they could not get a general abatement. Father O'Neill had previously written to Mr. Brooke, to ask him to visit the estate himself, and to judge of the conduct of his agent. To this the only reply of Mr. Brooke was that he would not interfere in the management of the property. Before entering into the combination the tenants again applied directly

to the landlord, but without result. They then decided to send a deputation to Captain Hamilton, and accordingly, on December 15, the two parish priests of the district, Father Dunphy and Father O'Neill, their two curates, Father O'Donnell and Father Farrelly, and four of the leading men of the tenants, called on Captain Hamilton, with the intention of asking for an abatement of rent of 30 per cent. It was arranged, says Father O'Neill, that the deputation should call on Captain Hamilton at the rent office at an early hour, before there could be any gathering of the people, or any demonstration which might annoy him. There is a conflict of testimony as to what took place at this interview. According to the statement made on behalf of Captain Hamilton, the agent, the deputation did not confine itself to a simple demand for an abatement of rent, but insisted on the reinstatement in his farm of Lenehan, whose holding had already been relet to a man named Webster, and intimated that even if the abatement were granted, the tenants would still adopt the Plan of Campaign, unless Lenehan was replaced on his farm. He refused to entertain their demand, but said he would deal liberally with individual cases.

Father O'Neill emphatically contradicts this version. He says that the moment the deputation entered the office, Captain Hamilton, who had with him not only his estate bailiffs and keepers, but also the sheriff's bailiff, jumped up, and, assuming an attitude of defiance, demanded in a most insulting manner, 'Who are these men?'

Father Dunphy, without noticing the insult, introduced the members of the deputation. Before he had finished the introduction Captain Hamilton interrupted him and said, 'I will allow no interference between me and the tenants,' and waving his hand to the door said, 'Good morning.' Father Dunphy, taking no notice of this, went on to explain the object of the meeting, and proceeded to urge the tenants' claims to an abatement. The Captain,

cooling down a little, said, 'Do I understand that you come here to demand from me an abatement in *my* rents, and that in the event of my not yielding you will adopt measures to force me?' 'No,' said Father O'Neill, 'we demand nothing. We simply come on behalf of your tenants to *ask* for an abatement in their rents owing to the depression of the times.' The Captain again said 'Good morning,' and then, turning to the sheriff's bailiff, said, 'Bass, do your duty.' The bailiff took up a bundle of writs that lay beside him, and proceeded to get out those for the tenants on the deputation. Some one cried out 'Writs!' and all rushed out of the door. The Captain and his bailiffs tried to serve on the tenants, but they got away. Father O'Neill adds that nothing was said about Lenehan, and in fact it had been decided beforehand that they would say nothing on this subject, until they saw how the abatement question would be decided.

This very succinct account of this important interview is fully confirmed by Father Dunphy and Father O'Donnell. I see no reason to doubt its accuracy. It is that of men not personally interested. The importance of it cannot be doubted, for this interview was the turning-point of the dispute. It was followed by measures on both sides, which led to open war between landlord and tenants, and to a series of events of great interest in the agrarian history of Ireland. If we are to accept the statement of the priests, Captain Hamilton showed no desire to meet the tenants in a conciliatory spirit. On the contrary, he forced on the conflict, against the interest of the estate and its owner, and in the wider interest of the society which he represented, and of the supposed interests of other landlords.

The failure of the deputation was followed by the definite adoption of the Plan of Campaign by eighty of the Catholic tenants. The twelve Protestant tenants and two Catholic tenants declined to join in the movement. They paid their



rent that winter and received abatements of 20 per cent. It is alleged by those who joined in the combination that these Protestant tenants were very much less heavily rented than themselves, and that relatively a 30 per cent. abatement was due to those who joined in the movement. However this may be, it is clear that the landlord, by his abatements to the Protestant tenants, admitted that much was due to the others, and it is difficult to suppose that agreement might not have been arrived at with all, if at the deputation Captain Hamilton had been prepared to admit the principle of a considerable all-round abatement.

It was the misfortune, however, of this estate that its agent, Captain Hamilton, had some time previously become the honorary director of the Property Defence Association, a body formed for the express object of defeating combinations of tenants. It was necessary in the general interests of landlords to make an example and to wreak vengeance upon a body of tenants who should adopt the recently inaugurated Plan of Campaign, and where could this be more appropriately done than on the estate of which Captain Hamilton was himself the agent? It has been persistently affirmed on the landlord's part that the Coolgreaney estate was specially selected by Mr. Dillon, M.P., and other outside agitators, for the purpose of introducing the Plan of Campaign into the county of Wexford, on the very ground that its agent was Captain Hamilton, so closely identified with the Property Defence Association.

Father O'Neill and Father O'Donnell positively deny this, and state that the combination was purely spontaneous on the part of the tenants, driven to desperation by the action of Captain Hamilton. When the tenants had resolved among themselves to enter into it, he and Father O'Donnell went to each one of them privately, and put before them the very serious nature of the step they were entering on. The tenants said, 'Well, we might as well go

out all together as go out one by one like Lenehan.' John Dillon, they say, had nothing whatever to do with the combination, and had no communication with the tenants or with anyone connected with them, until after they had entered on the combination.

It will be seen that from the date of the adoption of the Plan of Campaign all possible means have been taken against the tenants to crush and quell the combination, to punish those who had taken part in it, and to deprive them of the protection of the law ; and that in all these proceedings the landlord and his agents have been supported to the fullest extent by the Government and its agents, with all the resources at their command and all the powers of the Coercion Act.

From an early date after the adoption of the Plan of Campaign, the estate appears to have been handed over to the Property Defence Association, to be managed by them in the general interest of landlords desirous of crushing the combination of tenants ; and the owner, Mr. Brooke, has had little or no voice in the proceedings. Whether the Association has relieved him of the great costs connected with the various proceedings, and the heavy losses of rent and other expenses, is not known. It would be an interesting subject for investigation what the amount of these costs and losses have been, and upon whom they have fallen.

After the deputation in December, 1886, no further negotiations took place. The bulk of the tenants at this time owed only a half-year's rent. Those of them who had joined the Plan of Campaign paid this half-year's rent into the hands of Sir Thomas Esmonde, M.P., and Mr. Mayne, M.P., with a deduction of 30 per cent. Captain Hamilton on his part commenced at once active proceedings to evict the tenants, and thus to defeat the combination. He issued a notice to Sir Thomas Esmonde and Mr. Mayne warning them

against paying over to anyone any part of the funds placed in their hands—a notice which had no effect whatever.

The tenants, in view of the eviction notices, decided to sell their stock. They advertised the sale of a thousand head of stock at the Gorey Fair on January 3, 1887. On this Captain Hamilton issued a proclamation on his own account, with which he covered the dead walls at Gorey, declaring the sale to be part of an illegal conspiracy.<sup>1</sup>

The only effect of this ludicrous notice was that the people of the district determined that the whole of 1,000 head of cattle should be sold at full prices, and that buyers were found for all of them. It need not be said that no excuse was found for prosecuting any of the purchasers, or for claiming any of the proceeds.

Captain Hamilton then commenced proceedings which, in July, 1887, resulted in the eviction of sixty-seven of the tenants and their families, numbering over three hundred. The evictions were spread over a fortnight. A vigorous resistance was made, and sixteen persons were committed to

<sup>1</sup> This proclamation is so curious that it is worthy of record.

<sup>2</sup> Whereas a sale has been announced to take place at Gorey Fair on Monday, January 23, 1887, of

#### ONE THOUSAND HEAD OF CATTLE

belonging to the tenants upon the estate of George Brooke, Esq., over which I, the undersigned, am agent. And whereas I have been advised by counsel that such sale, auction or otherwise, forms part of the illegal conspiracy known as "the Plan of Campaign," and that any person, whether auctioneer, tenant, or purchaser, who takes part in such auction or sale will be guilty of a criminal act, and the sales and purchases will be invalid and illegal. Now I hereby give notice to all whom it may concern, that any person taking part in any such auction or sale will be held responsible for his acts; and that any money paid in pursuance of any such auction or sale, and any cattle purporting to have been purchased at such auction or sale, will be dealt with according to law.

'EDWARD C. HAMILTON.

'January 1, 1887.'

gaol for various terms in connection with them. Great sympathy was everywhere felt for the evicted people. Dr. Walsh, the Archbishop of Dublin, paid them a visit and solemnly blessed them in their temporary huts.

There is no doubt that from the point of view of those interested in defeating the combination and punishing those who took part in it, the simultaneous eviction of the whole body of tenants on a particular estate, who had joined in it, appeared to be a politic course. It deprived the evicted tenants of any support from those still remaining in possession. It was no doubt supposed that their funds would soon fail, and that the combination would be defeated, and its members compelled to sue for terms.

The Coolgreaney tenants, however, have been supported in their distress out of a central fund—not, it appears, identical with that of the National League, but receiving contributions from it. There was much difficulty in housing the evicted tenants. A number of them were provided for in wooden huts erected on a farm from which the tenant had not been evicted; the landlord, however, obtained an order from the courts of law directing the removal of these huts, on the ground that they altered the character of the holding, and he was able to seize the material of which they were constructed. The evicted tenants were ultimately housed either upon the estate or immediately adjoining it—some of them in wooden huts, specially erected for them, others in outhouses and buildings attached to other farm-houses. These proceedings were facilitated by the fact that in a few cases Captain Hamilton, instead of evicting the tenants in the ordinary way for non-payment of rent, subject to the possibility of redemption, took the course of selling the interest of the tenants by auction, and then, later, evicting on title, as it is called. In three of these cases the interests in the farms were bought by friends of the tenants, for the express purpose of enabling them to use the premises

for housing the evicted families. Notably this was the case with the farm of which Michael Kavanagh was the tenant.

As this farm was the scene of the extraordinary proceedings which resulted in the death of Kinsella, it will be well to describe the case more fully, for, though the facts of Kinsella's murder have often been told, the circumstances which led to it have not been so fully explained.

Kavanagh's farm consisted of forty-six acres, rented at 54*l.* a year, and with a valuation of 37*l.* 15*s.* In 1883, the rent had been reduced by the Land Commission by the insignificant amount of 2*l.* 10*s.*, and the tenant's interest was then judicially fixed at the value of 500*l.* His farm had numerous outbuildings, which it would be possible to fit up, so as to house a considerable number of evicted tenants. It had also attached to it the right of turning out cattle on the Croghan Mountain, which could be turned to considerable value by the evicted tenants. Kavanagh, at the time when the interest in the farm was put up for sale by Captain Hamilton, owed a year's rent. For some reason or other, which it is impossible to understand, Captain Hamilton allowed the interest in this farm to be knocked down to a bid of 6*l.* only. The purchaser was Kelly, a brother-in-law of Kavanagh, who has since paid the rent of the farm; Kavanagh has by his permission remained in possession. The outbuildings were without difficulty converted into residences for no fewer than twelve of the other evicted tenants and their families. They removed most of their cattle to this farm. Two other smaller holdings were also bought in by the tenants for nominal sums, and accommodation was found on them for others of the evicted tenants, either in temporary huts or in outbuildings. The grazing on the Croghan Mountain being undivided, the evicted tenants on this part of the estate have been able to continue turning out their cattle upon it, by virtue of these farms, of which

the interest was bought in on their behalf, and they have greatly benefited from this.

Captain Hamilton, having allowed the interest on Kavanagh's farm to be sold for 6*l.* only, then took proceedings for the recovery of the residue of the rent due, with costs, namely, 57*l.*, and applied for a warrant of distrain against the cattle on the farm.

On September 28, 1888, the estate bailiff, Freeman, accompanied by seventeen emergency men, armed to the teeth, two of them with Winchester rifles, the others with revolvers, proceeded to Michael Kavanagh's farm for the purpose of distraining the cattle on the farm for the rent due previous to the sale of the interest in the farm to Kelly, and with the declared intention of carrying out the distrain against any opposition which might be made.

It may here be stated that the seizure of cattle was made in spite of, and after, the deplorable event which ensued, and that in subsequent proceedings by the owners of the cattle it was practically determined at law that this warrant of distrain and the seizure were illegal and without justification. Indeed, Mr. Brooke was advised at the last moment not to defend the actions, and he had to submit to heavy damages and costs. It was obvious, in fact, that the interest in the farm having been sold at the instance of the owner, he could not charge the new tenant with the rent due from the former tenant, and levy a distrain upon the cattle for it. The whole proceedings, therefore, were tainted with illegality.

On arriving at Kavanagh's farm, the emergency men met there a number of the evicted tenants, their wives and children, who turned out of their temporary houses. The two parties met at the gate, the one consisting of eighteen men armed with rifles and revolvers, the other consisting partly of women and children, and wholly unarmed. The police, it appears, had been warned by the emergency men of

the intended raid, and that there was likely to be a collision between them and the evicted men. But instead of being present, to prevent violence, the sergeant and three constables watched the proceedings from a distance of 350 yards. Sergeant Rogers, who was in charge, and the other constables, stated in their evidence that there was no violence offered by the tenants, that no stones were thrown, that not a blow was struck by any of them.

On coming up to the gate McCabe, who was in charge of the emergency men, asked for Michael Kavanagh, and on Kavanagh appearing, told him that he had a warrant against him for 57/. Kavanagh then asked for a copy of the warrant. McCabe said he would give the copy, but later he informed Kavanagh that he would not give it. Kavanagh then said he would not give up the stock unless he received a copy. McCabe replied: 'I have enough men to take the cattle by force.' At this point an emergency man named Johnston, having got up on the gate with the intention of climbing over, John Kinsella, one of the evicted tenants, who had a fork in his hand, struck the gate with the fork; he did not attempt to strike Johnston with it. Freeman is then reported to have advanced and said: 'Go back, Kinsella, or by God I'll shoot you.' He then took a revolver out of his pocket and pointed it at Kinsella. Two shots were then fired; Kinsella immediately fell dead. An emergency man, said to be Freeman himself, then exclaimed: 'Fire, boys, fire!' and within a few seconds two volleys were fired by all the party. The marvel is that no other persons were killed. Several people had a very narrow escape. One man had a bullet through his hat, another felt a bullet pass close to his ear, and four bullet marks were found by the police on the gate, two on the adjoining wall, and two in the trees close by. Some persons escaped by dropping on the ground. A more unprovoked attack could not be conceived. There was no exhibition of force on the

part of the people ; they were not armed ; there was no real resistance to the attempted distraint ; there was no attempted violence of any kind on their part : they would have been justified had they resisted, for the distraint was illegal, and the warrant bad in law ; and such as it was, the parties enforcing it would not produce the document or a copy of it.

To this day no one has been made amenable for this outrage, and all the processes of law intended to bring guilty people to justice, and to secure innocent people from unjust prosecutions or conviction, have been used for the purposes of preventing any of these offenders being punished. It would seem that the police, the local magistrates, the Crown prosecutor, the counsel employed by the Crown, and even the judge who tried the case, were concerned in preventing anyone being made amenable for the murder of Kinsella. It has been pointed out that the police were witnesses of the scene. They knew that Kinsella had been shot dead by one of the emergency men. They were informed by several persons immediately after that Freeman had fired the shot. Why was he not arrested at once ? why was no one arrested ?

It appears that although no one was arrested, Freeman and McCabe were summoned by the police on the evening of the occurrence before Lord Courtown, a neighbouring magistrate. Lord Courtown was chairman of the Property Defence Association, and was therefore practically the employer of these emergency men. But for the cross-examination of Sergeant Rogers at the coroner's inquest, it would not have been known that any inquiry took place before Lord Courtown. The inquiry took place at Gorey, but no witnesses were summoned or sworn before him. Lord Courtown appears to have been singularly neglectful of his duties as magistrate. He took no pains to summon any witnesses to inquire into this serious affair ; he did not order the arrest of Freeman. He was satisfied with a



verbal statement of Sergeant Rogers without further inquiry, and took no further action. As a consequence, Freeman, not being arrested or charged with the offence, was able to give evidence before the coroner's inquest, and to deny on oath that he had fired the fatal shot. He admitted that Kinsella had been killed by one of the emergency men ; he did not deny that he had himself presented a revolver at Kinsella ; he denied having fired it. He admitted that on the morning of the event he anticipated a collision, yet he told the police sergeant the police would not be wanted. On the other hand, five witnesses among the tenants distinctly swore that Freeman had fired the shot which killed Kinsella. The coroner's jury found a verdict of wilful murder against Freeman, and against others of the party for aiding and abetting.

In due course the case came on at the Wicklow Assizes, which opened on December 6, 1888. It is scarcely credible that the grand jury, consisting of twenty-three landlords or land agents, should have ignored the bill against Freeman for murder, and should not have included him in the other bill which they returned against seven others of those engaged in this affair for killing Kinsella. Admitting there was some evidence in disproof of the charge against Freeman, it was all important that the case should be publicly investigated ; and his omission from the bill against the others seriously affected the prospects of obtaining a conviction against them. The principal point in favour of Freeman was that the bullet which killed Kinsella did not fit the pistol found upon him. He might, however, have changed pistols with some emergency man subsequent to the affair.

The case against the seven other emergency men was then proceeded with. A special jury was sworn consisting wholly of Protestants, in spite of the fact that the population of Wicklow is by an enormous proportion Catholic ; and with the object apparently in this case of obtaining a verdict

of acquittal, not of the reverse, as is too often the object of packing juries. Though pains were taken to prevent any Catholic coming upon the jury, no pains were taken to prevent interested persons being upon it. A near relative of Freeman was admitted, in spite of the remonstrances of Kinsella's son. It is impossible to read the proceedings of the case without the conclusion that the Crown lawyers made no serious effort to bring the case home to the accused ; while the judge who presided at these assizes, from his charge to the grand jury, his observations in the course of the trial, and his summing up to the jury, appears to have made up his mind that no one could be made amenable for this most serious affair.

As a result of these proceedings, conducted with a strange apathy on the part of the Crown and all others concerned, the accused were acquitted by the jury. Some months later, on June 29, 1889, another trial arose out of the same matter. A civil action was brought by Kinsella's son for damages against Captain Hamilton, Freeman, and McCabe, for killing his father. It was tried before a special jury. The proceedings are well worthy of perusal. It was made abundantly clear that Kinsella was killed by a bullet fired by one of the emergency men, though there was a difference of opinion whether the shot was fired by Freeman, McCabe, or some other one of the eighteen men. It was admitted by Freeman that he had said before the coroner at the inquest that he was prepared to carry out the seizure at all costs. He admitted also that he had told another one of the tenants that he was prepared to lose his life in doing his duty. He admitted having said to Kinsella that if he did not stop he would fire.

The judge, who tried the case on this occasion, appears to have done so with great impartiality. In his summing up to the jury he pointed out that the distraint and seizure of cattle were illegal, and that the defendants were trespassers.

He said that even if Freeman had not fired the shot, yet if he gave orders to the others to fire he would be equally responsible. As regards Captain Hamilton, he pointed out that to make him responsible, they must be satisfied that he gave orders to McCabe and Freeman to make the seizure by force, and that in sending them on this duty he gave them to understand that they were to discharge it at all hazards, and that they were to take the cattle by force—but that they would be justified in finding that he gave this authority not merely from his words, but from his action.

The special jury was unable to agree to a verdict. It was another proof that if in agrarian matters in Ireland it is difficult to get juries to give verdicts against offenders, it is also equally difficult for those who are wronged to obtain damages either against private persons or against the Crown.

The conclusions arising out of this case have been well summed up as follows :—

1. John Kinsella, an evicted tenant of Mr. Brooke, lawfully on the land of another man, who on his part was lawfully in possession of the farm, was slain admittedly by one of a gang of emergency men carrying out an illegal distress.

2. A large body of evidence at the inquest went to show that Freeman's hand fired the fatal shot, and that several other shots—about twenty-three—were discharged by the emergency men on an unarmed body of men, women and children.

3. The emergency men themselves in cross-examination testified that no shot could be fired by the peasants assembled on the ground. The police proved that no stones were thrown and that not a blow was struck.

4. At the assizes the grand jury, consisting of landlord partisans—all magistrates—ignored the bill for murder against Freeman, and did not include him in the bill for manslaughter, which they returned against seven others,

presumably knowing that the latter could only be convicted as abettors of Freeman.

5. At the trial of these men the greatest apathy was shown by the Crown ; the emergency witnesses were not cross-examined or confronted with their depositions.

6. The judge treated the whole case in a spirit which, to put it mildly, was not calculated to inspire confidence in his desire to see justice carried out.

7. The 'special jury,' all Protestants, acquitted the prisoners.

8. For the murder of John Kinsella, and for the unprovoked attack on the unarmed peasants by the eighteen armed emergency men while carrying out an illegal distress, no single person has as yet been made amenable either in criminal or civil proceedings.<sup>1</sup>

Comparing this case with the tenacity—it may be said ferocity—with which the Crown in a somewhat analogous case, that of the death of Sergeant Martin, pursued Father McFadden and the peasants of Gweedore, and used all the possible machinery of the law, all their powers of packing juries, in order to obtain verdicts against them, what a striking contrast there is ! What must be the moral to the Irish people ? Is it not this, that to persons who directly or indirectly are engaged in a combination against their landlords, while on the one hand every power of the executive is strained to the utmost to secure their conviction, when an offence can be alleged against them, on the other hand, when they are the aggrieved persons, when violence and murder is committed against them, all the powers of the Crown are allowed to lie neglected, and all the machinery of the law is used for the purpose of screening and acquitting the offenders, and with the object of showing to the people that they are without the protection of the law ? Such at least must have been, and in fact

<sup>1</sup> *The Murder of John Kinsella.* By Rev. Patrick Dillon, D.D.

were, the conclusions drawn from the Kinsella case by the Coolgreaney evicted men. Only those who have visited the scene of this outrage, and have discoursed with those connected with the district, can sufficiently appreciate the enormity of the case, and the gravity of the miscarriage of justice.

The great object of Captain Hamilton has been to get the farms from which the tenants were evicted taken up by new tenants. On the other hand, it has equally been the object of the evicted tenants to prevent this, by bringing pressure to bear upon those who should take these farms, in the shape of boycotting them and their cattle. The Coercion Act and the ordinary law at the Petty Sessions have been freely used for the purpose of sending these persons to prison and punishing them ; and great numbers of people have been convicted and imprisoned in connection with this dispute.

Desperate efforts have been made to obtain tenants ; and this estate, and that of Lord Massereene, already described, have in fact been the only cases where any progress, real or apparent, has been made in this direction. On the Clanricarde estate, where over one hundred tenants have been evicted, not a single farm has been relet. On the Ponsonby estate, where ninety farms have been cleared of their tenants, not one has been taken up by any new tenant. The same is the case with Lord Lansdowne's property at Luggacurren, which has been cleared of its tenants, and with many others. At Coolgreaney, and on the Massereene estate, alone, has there any advance been made in this direction. On these estates experiment has been made of colonising them with Protestant tenants from the North of Ireland, called in the common term of the country 'plants.' An advertisement was inserted in the *Irish Times* with reference to Coolgreaney, stating that farms were to let on this property, that assistance would be given for the purpose

of stocking them, *and that only Protestants need apply*. In response to this a certain number of lettings were effected.

A few days before my visit to Coolgreaney, a commissioner of the *Freeman's Journal* had reported at length on the condition of the estate in this respect, and had emphatically declared that this attempt to plant the estate with tenants was a grotesque and pitiful failure, that the scheme was palpably unsound, that the tenants were not solvent men, that many of them were mere bogus tenants, emergency men or broken-down people without capital of their own, and supported by money lent to them. Captain Hamilton replied in the columns of the *Freeman*, and claimed that the whole of the estate had been relet, that many of the tenants had been in possession of the land for upwards of two years, that the land was fully stocked, and that the rent had been regularly paid as it became due. He challenged the *Freeman's Journal* to a full investigation, offered every facility for it, and undertook to prove the solvency of the tenants and the reality of the transactions. Mr. Dwyer Gray, on behalf of that paper, took up the challenge, went down to Coolgreaney, and with Captain Hamilton went into the details of some of the lettings, and has reported in the *Freeman's Journal* a verbatim account of all that took place.<sup>1</sup>

During my own visit to the property it was impossible for me to enter upon a similar inquiry. I could not fail, however, to be struck by the general appearance of neglect and desolation of that part of the estate which had been cleared of its old tenants. Nearly the whole of it was covered with rank grass; the fields formerly under tillage were for the most part producing thistles and weeds. Many of the houses were already dilapidated. The outhouses in many cases had been pulled down in order to supply the emergency men with fuel. There was no appearance of any cattle or manure in any of the farmsteads I entered.

<sup>1</sup> *Freeman's Journal*, December 9, 1888.

The only livestock I saw on the land consisted of a flock of sheep which was suffering from the scab, brought on, it was said, by the rank grass, and which had led to the farm being proclaimed accordingly under the Contagious Diseases (Animals) Act. The greater part of the estate had unquestionably the appearance of being derelict.

According to Captain Hamilton's statement, the seventy farms, recently in the hands of the evicted tenants, have been let to twenty new tenants, all of them, with two exceptions, Protestants. One of these new tenants, a Mr. Gerald Maffett, had taken no fewer than twenty of the evicted farms, consisting of 900 acres; the aggregate of the old rent was 460*l.*, the new rent was 375*l.*, a reduction of 20 per cent. The new tenant had, however, taken the whole of the interest of these twenty tenants in their holdings, without paying a shilling for it. As the tenant's interest is reckoned as equal, or in many cases superior, to the landlord's, it is clear that Mr. Maffett has come into possession of property worth from 7,000*l.* to 8,000*l.*, for which he has paid nothing to the tenants, and for which he pays no rent to the landlord. He has got, it is stated, a judicial lease of thirty years at this reduced rent, and at the end of it he will still have the tenants' interest, and be entitled to a renewal at a judicial rent. Mr. Maffett is a sorting clerk in the post office at Dublin, receiving a salary of 3*l.* a week. He is supposed to be able to find time for the management of twenty farms in the county of Wexford! It is admitted that he has received an advance from the association known as the Derelict Farms Plantation Trust, to enable him to stock the farm.

This society was formed in consequence of a report on the Coolgreaney estate by Mr. T. W. Russell, which appeared in the *Times*, March 12, 1889. Mr. Russell had paid a visit to this estate and wrote at length upon it. At that time he said that thirteen only of the holdings of the evicted

tenants had been taken up by *bonâ-fide* tenants. He gave the details of three of these new lettings. He ended by saying that he had not the slightest doubt that every farm at Coolgreaney would be taken up by solvent and honest men. In a subsequent letter to the *Times*, on the subject of another estate, Mr. T. W. Russell stated that in consequence of his description of the Coolgreaney plantation scheme, three gentlemen in England had written to him offering to advance 1,000*l.* each to a fund for facilitating such schemes on properties in Ireland, from which tenants had been evicted, and that several other persons had expressed their willingness to support such a proposal. It seems that in consequence of this the society already alluded to was constituted, and that considerable sums have been subscribed to it. Mr. T. W. Russell has disclaimed being connected with it, but its secretary, Mr. Dudgeon, has spoken of it as having been founded by him.\*

It appears further, from the admissions of Captain Hamilton, that all the new tenants on that estate have been assisted in stocking their farms by Mr. Dudgeon on behalf of this society. Altogether a sum of about 5,000*l.* has been advanced to the new tenants on this estate alone. As the aggregate of the new rents amounts to 1,300*l.*, it appears that a sum equal to four years' rent has been advanced from this fund. Interest at the rate of 3 per cent. is payable, and the capital is to be repaid by instalments of 5 per cent., to commence after three years. It further appears from the statements of Captain Hamilton that from the earlier tenants he required payment in advance of a half-year's rent, but that as he found that the farms went off very slowly, he was obliged to drop this, and the later tenants have been admitted on the terms that no rent will be payable for the first year.

One of the new tenants produced by Captain Hamilton to prove the reality of his scheme was a man named Switzer,



He has been admitted as tenant of five of the evicted farms, of which the former rent was 130*l.*, and for which he pays 106*l.*, taking all the interest of the evicted farmers without any payment. He was originally admitted about a year ago as tenant of two farms only, for which he paid in advance a half-year's rent of 26*l.* He says that he brought with him 180*l.*, the proceeds of the sale of the interest in a farm he held in Queen's County, and he got a further advance of 200*l.* from Mr. Dudgeon, out of which he bought stock. He has been a year in possession of the two farms. In answer to Mr. Gray, he admitted that he had made no profit, and that he had not a penny in the bank, out of which to pay the half-year's rent due. He has recently been admitted as tenant of three other farms, upon which no rent will be payable for a year. It can scarcely be contended, I think, that this is a *bonâ-fide* solvent tenant in the ordinary sense of the term; yet this is one of the strongest cases produced by Captain Hamilton.

Another specimen tenant, named Alford, had taken a farm of 57 acres at 48*l.*, and had paid a half-year's rent in advance. He possessed eight cattle and twenty-three sheep. He took the farm, he said, because he got it without paying anything for the tenant's interest; he had an advance of 40*l.* from Mr. Dudgeon; he said he could not have carried on without it. 'Has this been a profitable speculation for you?' he was asked. 'Indeed, it hasn't,' he replied; 'the profits of the cattle could not pay the year's rent.' 'And what do you think will be the end of it?' 'Ah! it strikes me very forcibly that the Captain will have to put me out, considering my bad health.' The poor man was very ill, and it appears that he had been more than once in a lunatic asylum.

It was admitted by Captain Hamilton that three others of his new tenants were recently emergency men receiving 18*s.* a week. One of them is now a tenant of two evicted farms

of 120 acres, rented at 73*l.*, another of 86 acres with a rent of 77*l.*, a third of 39 acres with a rent of 30*l.*. Another new tenant of 10 acres had not long before been in the work-house, where he had married another inmate; he had received 25*l.* from Mr. Dudgeon, and admitted that he was unable to make any use of the land until he received this advance. Another case was that of a pensioner from the police. He got two farms of 24 acres at a rent of 24*l.* He had received 150*l.* from Mr. Dudgeon, and his stock consisted of two cows and two calves. He had paid no rent as yet.

The general result of the whole inquiry is to leave the strongest impression of unreality in this plantation scheme. It may be that some few of the new tenants have brought some little capital, but they have all been largely assisted in this respect by Mr. Dudgeon.

What is beyond doubt is that these Protestant 'plants' have been tempted to take the holdings, first, by rents in many cases being considerably below the rents paid by the evicted tenants; secondly, by having to pay nothing whatever for the interest of the evicted tenants—in other words, by a free gift of an interest equal to that of the landlord, and worth at least 10*l.* an acre; thirdly, by the advance of money on very advantageous terms for the purpose of enabling them to stock the farms—money which, in all probability, will turn out to be a free gift; fourthly, by having to pay no rent for a year. Whether persons admitted to the land upon these terms can be called *bonâ-fide* solvent tenants in the ordinary sense of the term, may be safely left to the consideration of reasonable people. My own belief is that, with rare exceptions, they are in the nature of bogus tenants; and that they would form no real difficulty in the way of settlement, whenever it shall be possible to effect it, and to reinstate the evicted tenants. They are only kept in a kind of artificial existence, against the overwhelming

weight of public opinion in Ireland, by the support of the Coercion Act.

Meanwhile the evicted tenants live on, in sight of their former farms, in the confident hope that they will, at no distant date, be reinstated. What will happen if they should lose this hope, and if they should realise the fact that their houses and farms are lost to them for ever? The answer, I fear, would have to be sought in the sad records of agrarian crime of the past.

### *THE OLPHERT CLEARANCE*

ALTHOUGH I have not had the advantage of personally visiting Gweedore, yet as I have closely followed every phase of the dispute between Mr. Olphert and his tenants, and at one period of it negotiated with his son and with Mr. T. W. Russell, with a view to a settlement of it by arbitration, it may be well briefly to recapitulate the leading facts with the object of showing its bearing on other cases, and how expedient it is that these disputes should be settled in that manner.

The Olphert tenants are in a very different condition to that of many of the tenants, whose differences with their landlords I have hitherto described, and who are farmers in the true sense of the term, many of them indeed with small holdings, but still living wholly by the land, and paying their rent and maintaining themselves wholly out of the produce of their farms.

The tenants on the Olphert property are a wholly distinct class. They are labouring men rather than farmers. They migrate every year, for some weeks or months, to Great Britain or to other parts of Ireland, where they work for wages as harvesters, or in the brickfields, or other temporary work. They save up their wages thus earned and return home, when the season of their work is over, bringing with them their savings, amounting to from 5*l.* to 10*l.*, far more often the smaller sum than the larger. Out of this they pay their rent, and buy whatever meal or other necessities of life may be required to eke out the supply of

potatoes. The land which these men occupy is about the poorest in Ireland. Such as it is, these men have reclaimed it from the moor and bog, which in its unimproved state is not worth a penny per acre in the shape of rent. They have drained and fenced it, and they have built their cabins. The landlord has admittedly never done anything in the way of improvement, has never expended a shilling in draining, fencing, or building.

The holdings thus reclaimed vary from 5 acres up to 15 or 20. The main product is the potato. Besides this a few cultivate some oats, which only in good years produce a return, and which is the only product sold off the land. If the potato fails these men are on their beam-ends; what was intended for rent must go in the purchase of meal to ward off starvation. On the other hand, when the demand for their labour in Great Britain falls off, these men are unable to return home with their accustomed little hoards. In this case again there is nothing out of which to pay the rent.

It cannot be too clearly understood that the land produces no true economic rent. The rent paid represents a kind of residential value. At whatever point the rent is fixed, be it more or less, when the potato crop fails, or when there is little demand for the labour of these men in England and Scotland, it cannot be paid by the tenants. This condition was fully recognised in the Report of the Royal Commission on Agricultural Depression, of which the Duke of Richmond was chairman, and which reported in 1881. Speaking of these cottier tenants, it said that when there was even a partial failure of crops, or when these people were unable to earn their accustomed wages in Great Britain, they were wholly unable to pay any rent.

It must be admitted, therefore, that such holdings present a question which has not been fully dealt with by the Land Acts of 1881 and 1887. The rents, looked at as

residential rents for land which is otherwise valueless, may not be unreasonable in ordinary years, but in the exceptional years when crops fail, or the market for labour is bad, they cannot be paid. These crises occur about once in six years, and sometimes at shorter dates ; these people then find themselves in difficulties. In the best of years they can hope to make little or nothing beyond their actual means of subsistence. There is no margin out of which they can lay by against these recurrent bad years.

In 1881, when the Irish Land Bill was in preparation, I pointed out to the late Mr. W. E. Forster that it would be well to make some special provision for cottier tenants of this class, and I suggested that clauses should be framed upon the principle of the Roman law, and of that of France and some other European countries, namely, that when by a failure of crops amounting to one-half, or by some other loss, the tenants of this class of property should be unable to pay rent, it should be competent for some authority to prescribe a temporary abatement of rent. The measure, however, was already heavily weighted, and nothing could be done in this direction.

It may perhaps be said that society is not interested in maintaining such persons in their present precarious condition, and that it would be better to leave them to the operation of forces, which in bad times would make a clearance of them. It appears, however, that their condition is very decidedly above that of the lowest class of labourers in our great towns, and especially of London. They are in the main a thrifty class of people, as is shown by their careful saving of money while labouring at a distance from their homes. They are a healthy and a virtuous class. They are passionately attached to their homes. Their standard of living may not be a high one, but they have no desire to exchange their lot for some other. There is no reason, therefore, for clearing them off the country. There are many reasons for

endeavouring to improve their condition in the districts where they live, and for according to them protection for their property and full relief from injustice.

On the Olphert property, in the extreme north-west of Donegal, there are about six hundred of these tenants and their families, paying an aggregate rent of 2,200*l.* to the landlord. The estate consists of about 18,000 acres, one half of which is occupied by the tenants, and the other half (mountain land) in the hands of the landlord. Mr. Olphert has admitted in evidence that he has never expended a shilling upon the houses or holdings of these tenants. He and his family before him have in past times increased the rent from time to time as they found it possible to squeeze more. Mr. Olphert in 1858 took away the right of turning out cattle or sheep on the mountain land, a most valuable adjunct to these holdings. The condition of the tenants has also been worsened of late years by the failure of the kelp trade, and other local sources of labour and earnings.

In 1880, Mr. Tuke, referring to this district, said that of 1,000 families 600 were then receiving food from charitable sources, and 200 more would require it within a few weeks. In 1882 the Arrears Act relieved these people of the burthen of accumulated arrears. After the Act of 1881, 140 of the tenants applied to the Land Commissioners for judicial rents ; they were not dealt with till 1884, and then, it is alleged, by a sub-commission which had been reconstructed at the instance of the landlords. The rents were reduced by 23 per cent., a very insufficient reduction in the view of the tenants. Some others were deterred from going into court by threats of appeal, and accepted judicial agreements giving a reduction of 12½ per cent.

In 1884 another partial famine occurred in the district, and 70 per cent. of the Olphert tenants received charity or parish relief. The payment of rent was insisted

upon ; writs were issued ; their devoted priest, Father McFadden, appealed to the public on their behalf ; and out of the money collected by him the rent and costs were paid. In 1886 difficulties again occurred ; the migrating labourers failed to find the usual full employment in England and Scotland, and they did not bring back the usual amount of money. They asked for abatements ; the landlord refused, and in a large number of cases the rent remained unpaid. In the following year the oat crop failed, prices of stock were very low, and the tenants were again in difficulties.

The tenants then met at Glasserchoo and passed a resolution asking (1) that arrears due up to November 1, 1886, should be wiped off on payment of a year's rent with an abatement of 30 per cent. (2) That for the year 1887 there should be an abatement of 25 per cent. on judicial rents and 40 per cent. on non-judicial rents.

Mr. Hewson, the agent to Mr. Olphert, replied to this in a letter dated Nov. 10, refusing point-blank their demand. 'The Government,' he said, 'have made arrangements dealing with "judicial rents," by which Mr. Olphert will be legally bound, and he directs me to state he does not see the necessity of making any concessions other than that which the law directs. He cannot accede to your proposal as to wiping out outstanding arrears.'<sup>1</sup>

This was, in fact, an uncompromising refusal on the part of the landlord to accede to these demands. The tenants then adopted the Plan of Campaign. When this was made known to the landlord, he appears to have thought it well to make another offer—whether a serious one may be doubted, for it was to hold good only for the day, and was only made after noon on a winter's day. The

<sup>1</sup> Mr. T. W. Russell in his account of this dispute wholly ignores this letter.



proposal made was that the tenants paying one year's rent to November, 1887, should receive an abatement of 20 per cent. in the case of non-judicial rents, and 10 per cent. in the case of judicial rents ; nothing was said about the arrears of the year's rent due November, 1886, or other arrears, which were to stand over. The agent, Mr. Hewson, attended for the collection of rents. The Falcarragh tenants, with Father Stephens at their head, appeared before him in a body demanding a reduction. He refused to accede to their demand. They withdrew, and subsequently, during the day, Mr. Hewson sent a note to Father Stephens, on which was written the terms which he said he would offer '*for that day only.*' It was nearly two o'clock when the note was handed to Father Stephens. It was mid-winter, when night closed in about four o'clock. The tenants had already separated and returned to their homes. It was impracticable to communicate with them. It is difficult to suppose the offer was a *bonâ-fide* one. In any case it was of a very insufficient character. Such as it was, it was due to the combination of the tenants and to the determination they had already shown.

Later the Land Commissioners, under the Act of 1887, decided that the abatement of judicial rents for the last half of 1887 should be 14 per cent., so that Mr. Olphert's offer was less than this.

It will be asked, why were not the judicial tenants satisfied with the reductions under the Act of 1887 ? and why were not the other tenants ready to go into the Land Court, which would probably have given them large abatements ? The answer is that the Act of 1887 did not apply to the rents of 1886 or to the first half of 1887, and equally the non-judicial tenants would have received no abatement of the rents due for 1886, or other arrears. The expense of going into the Land Court is a serious one to such tenants, and the delay very great. A large number of the tenants

were also precluded from going into court by the fact of their being sub-tenants.

Supposing the offer to be a *bonâ-fide* one, and supposing the rent of 1886 to be wholly due, the difference between the demand of the tenants and the counter offer of the landlord amounted in money to no more than about 1,000*l.*, or 20 per cent. on the rents for two years.

On an early day in January, 1888, a mass-meeting of the tenants was held at Falcarragh, at which, after speeches from Father Stephens and Mr. Blane, it was unanimously determined to adopt the Plan of Campaign. Father Stephens, in his speech, besought the tenants, in God's name, to pay the rent if the land had earned it, or if they were able to pay. But if they were not he would unfurl the banner of the Plan; and as he was prepared to rejoice with them in their joys, so they would find him ready to suffer with them in their sorrows. He warned them of the desperate struggle on which they were entering, and implored them not to enter the combination unless they were prepared to stand faithfully by each other.

The tenants determined on combination, and paid their year's rent with the abatement agreed on into the hands of trustees, who were empowered to hand over the amount to the landlord as soon as he should come to agreement with the tenants. Father McFadden was elected president of the local League. From that time it will be seen that the Government threw the whole weight of its power on behalf of the landlord, to put down the combination and to quell the spirit of the tenants.

The first action of the authorities was to prosecute Father McFadden, Father Stephens, and Mr. Blane, M.P., for speeches in which they had advised the tenants to adopt the Plan of Campaign. Father McFadden had been for years the devoted pastor, benefactor, and friend of the people; he had made incredible exertions on their behalf

to save them from starvation and eviction in the agricultural crises of 1880 and 1884 ; he succeeded in raising large subscriptions for them, a part of which had gone into the pockets of Captain Hill and Mr. Olphert in the shape of rent, to save the tenants from eviction. He had been the soul of the combination on the adjoining estate of Captain Hill, which had recently been concluded by the concession of the tenants' demands and the reinstatement of the evicted men. He now threw himself heartily into the cause of the Olphert tenants, having satisfied himself that combination was the only means of saving them from exaction or eviction. Father Stephens was also a man who had shown the greatest devotion to the cause of humanity wherever he had served. He had come back to his native country on account of bad health, the result of over-exertion in the cause of the poor in the slums of Liverpool. It must be supposed that it was with the object of striking terror into the minds of the simple tenants of the district that the authorities arrested Father McFadden at Armagh, where he was attending a meeting of all the clergy of Ulster, instead of waiting for his return to Falcarragh, and that they carried him off to Derry, where bail was refused, and he was imprisoned for ten days, pending his trial. This violent proceeding provoked a popular demonstration at the railway station, which the authorities held to be a riot, and for which twelve persons were sentenced to various terms of imprisonment, of three months and downwards, with hard labour. A similar demonstration attended the arrest of Father Stephens, and led to the prosecution and imprisonment of twelve other persons, with hard labour, for 'riot.' It is asserted that the disturbance was of the mildest possible character.

Father McFadden, Father Stephens, and Mr. Blane were in due course convicted and sentenced by the Resident Magistrates to three months' imprisonment. On appeal the County Court Judge increased the sentences on Father

McFadden and Mr. Blane to six months, directing that the former should be treated as a first-class misdemeanant, but refusing this treatment to Mr. Blane, M.P., on the ground that 'he had come down to Donegal a perfect stranger to interfere between landlord and tenant, and to encourage a criminal conspiracy; that he was an interloper, and his conduct altogether unjustifiable and criminal.'

The next step of the authorities was to direct an inquiry under the Star Chamber clauses of the Coercion Act, with a view to breaking up the combination. Fourteen sittings were held by a Resident Magistrate for this purpose, spread over many weeks, and numbers of the tenants were summoned, and under threat of imprisonment were questioned as to their knowledge of the combination, with the object of making them informers against their fellow-tenants. They one and all refused obstinately to give any information. Fourteen of these men were sent to prison for a week, and again and again on fresh refusals were committed to gaol for similar terms. Two bank managers also declined to produce their books. In the end the inquiry terminated without eliciting any information on which the authorities could found further proceedings. The conveyance to prison of the men who refused to give evidence was the occasion of another demonstration, resulting in the imprisonment, with hard labour, of another batch of fifteen men.

The next move in the campaign against the tenants' combination was the enforcement of evictions. The evictions had been arranged for July, 1888, but at the last moment an informality was discovered, which proved fatal to the notices, and the legal processes had to be again commenced, involving a further delay of some months.

It was only in January, 1889, that the owner again found himself in a position to evict. It was determined to commence by evicting thirteen tenants in the best, or rather it should be said the least poor, part of the property. For the

purpose of supporting these evictions a force of 120 soldiers, 100 constabulary, and many emergency men were drafted into the district.

In three cases out of the thirteen a very determined resistance was made, and the houses have since been known in the district as Doogan's Fort, O'Donnell's Fort, and Curran's Fort. The resistance of the people was concentrated on these points, and their object was to attract the attention of the people of England to the wrong which they believed was inflicted on them, rather than to do violence to the attacking party. The roads to these houses were cut; the bridges were blown up; at each of the 'forts' a dozen or so of 'boys' of the district kept the attacking forces at bay with stones and hot water, and by barricading the houses, and in each case the military had actually received orders to fire into the houses, when the inmates were induced to surrender at the earnest entreaties of the priests. They capitulated with 'the honours of war,' not to emergency men, but to soldiers.

The men, forty-eight in number, who were arrested on this occasion for resisting eviction, were returned for trial at the assizes, on the ground apparently that their offences deserved a more serious punishment than the maximum of penalties allowed by the Coercion Act. Twenty-five of them were tried at Fermanagh by special juries composed wholly of Protestants, and where it was elicited in the course of the trial that the sheriff had corrected the special jury list with a view to this result, at the suggestion of the Crown solicitor for Donegal, who was prosecuting. Mr. Justice Johnson, who tried the case, in his charge to the jury commented severely on the use of emergency men at the evictions instead of the sheriffs and their officers. He was moved to tears in sentencing the prisoners, some of them to eight months', others to five months' imprisonment with hard labour—sentences considered by the landlord party as show-

ing deplorable weakness. In commenting on the case the judge said that these men were the dupes of others who left them in the lurch.

It was shortly after these evictions that prosecutions were initiated a second time against Father McFadden and Father Stephens, and that Mr. Kelly also was prosecuted for conspiracy to induce the people to combine. Father Stephens was a second time convicted and sentenced to six months' imprisonment as a common criminal.

When his appeal came on before the County Court the counsel for the Crown offered not to press for a sentence against him if he would enter in recognisances for good behaviour for two years. It could not have been expected that Father Stephens would humiliate himself by accepting this offer. Like many offers of the same kind it was made for external effect. Father Stephens went to gaol and served his six months as a common criminal. The same fate would doubtless have befallen Father McFadden, had it not been for the events which occurred at his arrest.

On Sunday, April 3, the authorities committed one of the grossest of the many blunders which have marked their present *régime*. They had ordered the arrest of Father McFadden. The occasion selected for it was the moment when on this Sunday morning he was leaving his church after divine service, and before he had even divested himself of his priestly robes. The distance from the church to his house was short, and there was a great gathering of the people of the district for their usual attendance at the church. It is difficult to conceive how it could have entered the brains of any reasonable person to take this opportunity of arresting a priest in the sight of his congregation and amid an excitable people.

District Inspector Martin took this course. He followed Father McFadden to his door, with the view of arresting him there and then ; he waved his sword over the head of

the priest, and shouted in a most offensive manner, 'Come along, sir! come along, sir!' The people, provoked beyond measure by what they believed a menace to the life of their beloved pastor, made a rush on Sergeant Martin, attacked him with their sticks, threw him down and trampled on him, with the deplorable result that he was killed almost immediately.

Meanwhile, Father McFadden had entered his house. Mr. Balfour was obliged to admit in the House of Commons that the arrest at such a time and place was an error of judgment, while the judge who tried those put on their trial for murder did not restrain his language in condemning this action.

There ensued a most extraordinary system of terrorism throughout the district. Extra police, detectives, and soldiers, were drafted into the country. Great numbers of the people were arrested, most of them without the slightest justification, some of them to be released in a few hours, others after weeks or even months of imprisonment. Many people who could have had nothing to do with the affair fled the district from sheer fright, some of them to the mountains, others to the islands off the coast, others hid themselves in caves. Cordons of soldiers were established, people were compelled to take out passes, without which no one was allowed to pass along the roads on their ordinary avocations. A gunboat was ordered to cruise off the coast, and keep watch for persons attempting to leave it. Every species of indignity was committed on the people. No fewer than 400 houses were entered by the police and searched within a radius of seven miles. A reign of terror practically prevailed in the district, the object apparently being as much to strike terror in the minds of the people in connection with the combination, as to secure that justice should be done to those responsible for the death of Sergeant Martin.

Father McFadden himself was arrested on a charge of

murder, and seventeen men, after sifting out many others who had been arrested, were committed on a similar charge. Father McFadden was kept in gaol for many weeks under this charge, and was finally released on bail in consequence of an application to the superior courts. There was not the slightest justification for this charge of murder against him. It is impossible to suppose that anyone connected with the prosecution could have imagined even for a moment that Father McFadden could be put on his trial on such a charge. In fact, the charge was finally abandoned, and Father McFadden was ultimately tried on a charge of conspiracy. It need scarcely here be stated that Father McFadden and the seventeen men were ultimately put on trial at Maryborough, in King's County, hundreds of miles away from their district, by juries specially packed with Protestants only; that one of the men was found guilty of manslaughter only, that in the case of another the jury disagreed, and that finally, by a kind of arrangement, seven of the accused pleaded guilty to the charge of manslaughter, and were sentenced by the judge to unexpectedly severe sentences, while Father McFadden by arrangement pleaded guilty to a charge of an attempt to elude the police, and was allowed to go free upon his recognisances.

The whole of these proceedings, from the death of Sergeant Martin to the convictions at Maryborough, are without parallel in the history of administration of the criminal law. It has been shown how apathetic and careless the Crown officials were in Kinsella's case, how all the machinery of the law appeared to be used in such a manner that the guilty persons were enabled to escape justice. In Sergeant Martin's case exactly the reverse action was observable. Every conceivable method known to the law was pressed to the extreme with the object of discovering, and bringing to justice, men connected with his death, and with the object of securing convictions against them.



Sergeant Martin's widow ultimately was awarded 2,000*l.* by the grand jury out of the rates of the district. Kinsella's son has to this day been unable to obtain compensation from those responsible for the death of his father.

Meanwhile, evictions were renewed in April, 1889, and were spread over many days. On the night after their completion many of the tenants, having no other means of shelter, crept back again to their homes. To the astonishment of the authorities, on the morrow, smoke was observed to be curling from the chimneys of many of the houses, where the work of eviction was believed to be complete. Again a large force was drafted into the country. They called upon the tenants to give up the houses ; the tenants refused to do so. The police then adopted a system of patrols, intending to starve out the peasantry and compel them to surrender their houses again.

Three Englishmen, Mr. Conybeare, M.P., Mr. Harrison, an Oxford undergraduate, and Mr. Benson, formed themselves into a committee to supply food to the tenants thus besieged in their homes, and whom the police were engaged in starving out. They went round to the cottages and conveyed loaves of bread to the inmates. For the heinous offence of supplying a loaf of bread to one of these tenants, Mr. Harrison was arrested by the police, was committed to Derry gaol, and detained there for seven days pending his trial by two Resident Magistrates.

In the meantime Mr. Conybeare and Mr. Benson continued their task of supplying the tenants with food. Having done this, they returned to the barracks in time to see Mr. Harrison conveyed to gaol. A crowd assembled there and cheered loudly, Mr. Conybeare leading them by calling, 'Three cheers for the Plan of Campaign !' Ultimately Mr. Conybeare was charged, together with Mr. Harrison, with conspiring to incite the tenants to hold forcible possession. So far as Mr. Harrison was concerned, this was

an after-thought, due to the Attorney-General. He had been arrested on a charge of supplying food to the evicted tenants ; he was committed to trial on a charge of house-breaking ; finally, he was tried on a charge of conspiring with Mr. Conybeare and others.

It has been alleged, and the statement has not been contradicted, that orders were sent down from headquarters to the effect that Mr. Harrison was not to be convicted. Certain it is that the Resident Magistrates acquitted Mr. Harrison and convicted Mr. Conybeare, when the only difference in their actions was that the latter had called out, 'Three cheers for the Plan of Campaign !' In other respects their actions were identical, and consisted practically in no more than supplying with food the tenants, who had re-entered the houses from which they had been evicted.

The striking facts about Mr. Conybeare's case were that he was convicted of a conspiracy with Mr. Harrison when the latter was acquitted ; that the evidence on which he was convicted consisted largely of proceedings of the tenants in their combination, when Mr. Conybeare was in South Africa ; and he was convicted mainly for cheering the Plan of Campaign, which was adjudged to be illegal because the Plan itself had been pronounced to be illegal.

Mr. Conybeare was sentenced to be imprisoned for three months as a first-class misdemeanant. The magistrates doubtless acted on the suggestion of the Crown counsel, who asked them 'to inflict such a sentence as would deter others from coming over to play a similar part.' A more unjust verdict, a more scandalous sentence, never was pronounced. It may be safely affirmed that no jury in the United Kingdom or in Europe could have been found to convict Mr. Conybeare, unless it were a jury packed with Ulster landlords and land agents.

In the meantime the police, on April 17, at four o'clock in the morning, made a further raid upon the houses of the

evicted men, and with great harshness turned the occupants out of them, and arrested and carried off to gaol a large number of persons. In May evictions were resumed, and on this occasion the most miserable district of the whole estate, that of Glasserchoo, was selected. The police and soldiers formed a cordon round the houses attacked, and only Mr. Fisher, M.P., the private secretary to Mr. Balfour, was admitted. Mr. P. O'Brien, M.P., an Irish member, was refused this privilege. Many of the tenants clung to their homes with desperate determination; they were committed to prison and sentenced to various terms of imprisonment.

It was pending these evictions that my own connection with the case arose. I had on every possible occasion advocated the settlement of such cases by arbitration. I had reason to know that the advisers of the tenants in this case had long been desirous of referring the dispute to arbitration. I was consequently much surprised to read in the *Times* a letter from Mr. T. W. Russell, to the effect that Father James McFadden (not the Father McFadden so often spoken of in this chapter) had made a proposal in this direction, and which led to the impression that the tenants had refused to entertain it, and that Mr. Olphert had expressed his willingness to agree to it. I telegraphed at once to Mr. O'Hea, M.P., who was at Falcarragh, asking him to ascertain whether this was a true representation of the state of things or not. He replied that it was not true that any offer of arbitration had ever been made to the tenants on behalf of Mr. Olphert, and that so far as that gentleman was concerned, he had on several recent occasions asserted his 'determination to fight out the struggle to the very end.' He added that the tenants were quite willing to entertain any reasonable proposal for arbitration.

I consequently wrote to the *Times*, refuting the statement of Mr. T. W. Russell. He replied that he had been

misunderstood. He now admitted that Father James McFadden's proposal had never reached the tenants, and was probably never made even to Mr. Olphert. I wrote again saying that I had ascertained that the tenants were prepared to accept any reasonable proposal of arbitration, and I suggested that Mr. T. W. Russell should use his influence with Mr. Olphert to induce him to agree to this course.

This led to correspondence and interviews between Mr. T. W. Russell and myself, and also to an interview with Mr. Olphert, jun., who happened to be in London. The result of these negotiations was that Mr. Olphert declined to discuss the question of arbitration, unless the tenants should, before entering on it, relinquish and abandon the Plan of Campaign.

Mr. T. W. Russell, writing to me on the subject, said : ' Mr. Olphert is struggling against an illegal conspiracy into which his tenants have entered, viz. the Plan of Campaign. He is quite resolved not to meet or treat with this illegal conspiracy in any shape or form. If there is to be arbitration, therefore, it must be clearly understood that in entering upon it the tenants relinquish and abandon the Plan.' I had done my utmost personally with Mr. Olphert, jun., who in this matter told me he had power to represent his father, to induce him to waive a condition which I felt would be humiliating to the tenants, and one which would not be accepted. I urged upon him he should adopt the same course as in all other cases of the same kind, namely, agree to a general arbitration of the dispute without insisting upon a preliminary condition that the tenants should admit themselves to be in the wrong.

Mr. T. W. Russell admitted to me that Mr. Olphert was not in a position to do this, as he had received assistance in the course of his struggle with his tenants from other landlords, and was under terms to them not to give way to the

tenants without a substantial victory, as against the Plan of Campaign.

I concluded the correspondence with Mr. Russell by regretting the terms of his letter, and by pointing out that the condition he sought to impose on the tenants appeared to me to be entirely opposed to the principle of an arbitration. 'Mr. Olphert would not in agreeing to an arbitration be called upon to make any admission that he had been in the wrong in refusing to make any general abatement of rent at the outset of the dispute, nor to forego the assistance of any association by which he is supported. The tenants on their part should be free from conditions. By agreeing to arbitration they would forego any other means of asserting the justice of their claims, and the result of it would necessarily be to terminate the combination.'

This letter, which closed the correspondence, was dated May 17, in reply to Mr. Russell's of May 16.<sup>1</sup> On May 15, Mr. Olphert had written a letter dated Ballyconell House, Falcarragh, to a gentleman in Galway who was raising subscriptions for him, in which was the following passage :

'I am determined to fight out the Plan of Campaign, and will not yield in any way unless with the approval of my head supporters. As to arbitration, I know nothing about it except what I read in the papers ; nor have I been asked or consulted in any way. My son Robert has gone over to London ; he is as much opposed to arbitration as myself.' In the course of Mr. Conybeare's trial, which occurred about the same time, Mr. Olphert was asked whether he had made any offer of concession or arbitration to his tenantry, and he replied 'Certainly not.'

I have no hesitation, therefore, in view of Mr. Olphert's statements in saying that the negotiation between Mr. Russell and myself was an unreal one ; that there never was an intention on the part of Mr. Olphert to agree to arbitration ; and

<sup>1</sup> This correspondence was published in the *Times*, May 19, 1889.

that a condition to it was insisted upon by Mr. Robert Olphert, with the knowledge that it could never be accepted. It is also clear that the cause for this unwillingness is that Mr. Olphert is supported in his struggle by other landlords, who are anxious that the battle should be fought out by him in the interest of their class. On the other hand it is certain that the tenants have all along been willing and anxious that their claims should be referred to arbitration. In October, 1888, Father McFadden, in a public speech at Falcarragh, offered to lay the whole dispute before an arbitrator. He repeated the offer in the following month in a speech at Glasserchoo. He also states that he made an offer to this effect to the agent immediately before the evictions at Ardsmore in January, 1889; and that the agent replied that Mr. Olphert would only concede the terms already offered. The responsibility, therefore, for prolonging this unfortunate struggle does not rest with the tenants.

Altogether 113 families have already been evicted on this estate, representing a population of nearly 600. They are living for the most part with friends and neighbours, many of them with tenants, who are themselves under notice of eviction, and who will shortly be turned out. Many of these houses are already overcrowded. Some few detached huts have been provided for the evicted families, and preparations are being made by building huts for the reception of those whose turn is to come. About thirty such huts have been erected on freehold property adjoining the Olphert estate. The evicted families are being supported out of the central fund. Of the whole body of tenants it is stated that two only have given way, and have settled with the landlord, by payment in full. One of these was a man who had freehold property of his own and kept a grocer's shop. The other was in comfortable circumstances. Six other tenants have redeemed their holdings, by the advice and assistance of the other tenants, in order to prevent a complete clearance

of the several townships. None of the evicted holdings have been relet, in spite of the public appeal made by Mr. T. W. Russell, M.P., in one of his letters to the *Times* for subscriptions to enable the plantation of this estate. No attempt has been made to turn the land to any profit.

It has been attempted in the few pages of this chapter as briefly as possible to recall the main incidents of this remarkable case. There are hundreds of minor details which, if space permitted, would heighten greatly the interest of the story, and illustrate the action of the Government and its subordinates. In no other case has the power of the Government, through all its administrative and legal machinery, its police, its military, its Crown prosecutors, its Resident Magistrates, its power of packing juries, and its prison officials, been more openly and avowedly used to their fullest extreme for the purpose of crushing one party of the dispute and in favour of the other. It is difficult to arrive at the number of persons who, in one way or other, have been committed to gaol from this district: it has been estimated that the number exceeds four hundred; the number actually sentenced, under definite convictions, amounts to nearly two hundred, and includes two members of Parliament and two priests. The costs incurred by the Crown in the movement of the troops and police, in the removal of prisoners to gaol, in their maintenance in gaol, in the costs of the various trials, and in a variety of other ways, has been enormous, exceeding probably twelve-fold the whole amount in dispute. The costs and the losses to the landlord must also have been very great.

To what purpose has all this expense been incurred? The dispute is no nearer a conclusion than it was at its commencement two years ago. A large number of families have been evicted from their holdings, and some of their houses have been burnt down. Otherwise nothing has

been done to advance the interest of the landlord. The combination of the tenants is not crushed. Their spirit is not quelled.

The tenants are still confident in their cause and in their ultimate success. On the other hand, by the last accounts, the landlord is still being urged on by others of his class to fight their cause, by doing his utmost to crush the combination. The Duke of Abercorn has made a public appeal to the landlords of Ireland to assist him in fighting this battle. Fresh eviction notices have been issued, and no fewer than two hundred and forty tenants will before long be subjected to eviction. This will nearly complete the clearance of the estate. What then? Will that settle the question?

It is, indeed, melancholy to think what sufferings might have been spared to the people, what costs of all kinds avoided, how many lives saved by a timely spirit of conciliation. Even if the tenants were in the wrong, it would have been wise and sound policy to have obtained an emphatic verdict upon their case by some independent authority; but as there is every probability, almost certainty, that they were in the right, and were justly entitled to the abatements they claimed at the outset, or something closely approaching to them, the misfortune of the prolongation of the dispute becomes the graver. Is it yet too late to hope that wiser counsels may prevail, and that a reference to arbitration may avert further evils, the ultimate limits of which it is impossible to foretell?



*ABUSE OF COERCION*

DURING my visit to Ireland I was able to make further inquiries with reference to two cases, which have appeared to me to be singularly apt illustrations of the use, or rather abuse, with which coercion is applied in the fanatical effort of the Government and its agents to put down combinations of tenants, and to crush and punish those who have advocated, directed, or supported them.

The first of these two cases is that of the series of prosecutions to which John Fitzgibbon, of Castlerea, county Roscommon, has been subjected. I brought his case before the House of Commons in the discussion on the Irish Estimates at the close of the session of 1889. In his answer, the Solicitor-General for Ireland did not substantially impugn or displace the facts of the case, though he attempted a justification. Since then I have been able to obtain further details of the case, and I am confident that the facts which I shall mention cannot be impugned.

Fitzgibbon conducts a large business at Castlerea as a draper, and is also a small landowner. Till the agrarian movement commenced, he had among his customers all the gentry within twenty miles of the town, and he bore among them the highest character for probity and respectability. In 1881, after a careful study of the Parnell movement, he declared himself in favour of it at a meeting in Roscommon. He narrowly escaped being imprisoned as a suspect by Mr. Forster under the Coercion Act of that year; he owed his exemption to the intervention of one of the principal land-

lords of the district, who testified to his character at the Castle. In 1886, when the great fall of prices of agricultural produce occurred, the leading landlords of the surrounding district—Lord Dillon, Lord De Freyne, Mr. Worthington, Mr. O'Grady, and others—refused to make reasonable abatements of their rents, such as all the better landlords in other districts were making. Fitzgibbon was thoroughly convinced that if there was no check on the landlords of this district, they would take the opportunity of depopulating their properties. He threw himself, therefore, heart and soul into the cause of the tenants; he assisted them with his advice; he helped them to organise and to combine; he became the president of the local National League. By the advice of the local League, the Plan of Campaign was adopted by the tenants of many estates, where the landlords refused abatements.

The movement thus started was most successful. The landlords, confronted by combinations, found it expedient to give way. As an illustration, it may be stated that Lord De Freyne, in 1885, gave an abatement of fifteen per cent. In the autumn of 1886, after a still worse year, a most respectful deputation waited upon him, headed by the priests, to ask for a reduction in proportion to the requirements of the year. He refused to give a shilling. A combination was then formed, and the Plan of Campaign was adopted. Lord De Freyne, after a struggle, found it advisable to give way, and in February, 1888, agreed to a general abatement of twenty-five per cent. of the rents then due. The other landlords, with one or two exceptions, followed suit. Where they were disposed to give way, Fitzgibbon did his best to effect settlements and to induce the tenants to be moderate in their demands. In two cases the landlords asked him to decide himself what the abatements should be. In fact, he acted the same part in the combinations of tenants of his district that John Burns

has done more recently in respect of the dockers' strike in London. There was this difference, however : that in the dockers' strike the authorities took up a perfectly neutral position, and although many things were said and done, which might have brought the actors within the criminal law of conspiracy, yet the police did not interfere to prevent or to prosecute. Public opinion of London was on the side of the labourers and against the dock companies, and under the influence of it, the Government very wisely shut its eyes to many things which, under a stricter view, they might have felt bound to prevent or to punish by enforcement of the criminal law. John Burns also has come out of the struggle with the highest honour and credit with all classes.

How different has been the action of the Irish Government in respect of the combinations of tenants against the enforcement of rent ! In Ireland the whole force of public opinion was in favour of the tenants, but the Government paid no deference to it ; it used all the powers of the Coercion Act, and all the force of the police and the military, in favour of one side of the dispute and against the other, to support the landlords and to crush the tenants.

It will be seen, also, that the local authorities did their utmost to punish Fitzgibbon as one of the active leaders and advisers in the tenants' combinations. Early in 1888 all the disputes on the different estates, with one or two exceptions, were settled, mainly through the action of Fitzgibbon. In March of that year Mr. Worthington, one of these landlords, who still held out, began to evict his tenants. A meeting was held by the tenants to protest against this, and Fitzgibbon presided. A month later he was prosecuted for his speech on this occasion, on the testimony of two policemen, who had taken no notes at the time, and who spoke from memory only. They alleged that Fitzgibbon had advised the people not to supply milk to the police. Fitz-

gibbon denies that he ever said anything on the subject. The Resident Magistrates, however, believed the policemen, convicted Fitzgibbon of inciting to a conspiracy to boycott the police, and sentenced him to a month's imprisonment, as a common criminal, with hard labour. Fitzgibbon was so confident that the conviction would not be confirmed on appeal, that he asked the magistrates to increase the sentence to six months. They refused his application, and he underwent a month's imprisonment with hard labour.

Within a few days of his coming out of prison after this first conviction, Fitzgibbon was again prosecuted for conspiracy in respect of advising the tenants of the Murphy estate, some weeks previous to his first imprisonment, to combine and adopt the Plan of Campaign. An agreement had since been arrived at on this estate, and the combination was at an end. In spite of this, the prosecution was proceeded with, and after a long investigation under the Star Chamber clauses of the Act, and a protracted trial, in the course of which several persons, who had been examined privately, were sent to prison for refusing to give evidence in court as informers, Fitzgibbon was sentenced, in April, 1888, to four months' imprisonment with hard labour.

Some serious and difficult technical points were raised at the trial, and a case was stated on them for the opinion of the Court of Exchequer in Dublin. After a long argument, the Chief Baron, on December 17, 1888, gave the judgment of the Court in favour of the Crown, and confirmed the conviction. In a later case the Chief Baron referred to Fitzgibbon's case as 'a very close shave.' In spite of this, the representatives of the Crown had the meanness to claim the costs of their case before the Court of Exchequer, amounting to 130*l.*, against Fitzgibbon, and levied them against his estate. Fitzgibbon then went to gaol again, and served his second sentence of four months, as a common criminal, with hard labour. As soon as he came out

again, a third prosecution against him was proceeded with in May, 1889, on a charge of conspiring to intimidate a man named Wynn, long before the second imprisonment.

The facts on which this third prosecution was founded are interesting as an illustration of the agrarian movement. It appears that a tenant had been evicted from a farm in the neighbourhood, under circumstances which, in the opinion of the people, were very unjust. A discussion arose upon the subject of this farm in the local Land League; it was decided to boycott the farm—that is, to refuse to have intercourse with anyone who should take the land. Wynn, who was a member of the League, was present at this meeting, and took an active part in recommending this action. Some time later, it was rumoured that this very man, Wynn, had himself become a tenant of the farm. At a meeting of the League, in June, 1888, he was questioned about it, and emphatically denied that he had taken the land. In his evidence at the subsequent trial he said that Fitzgibbon, who presided on this occasion, had threatened that ‘he would make it warm for anyone who should take the farm.’ Fitzgibbon denied having used this expression. Later, again, it became certain that Wynn had actually become a tenant of the farm, and had been so at the very time when he had emphatically denied the fact at the meeting of the local Land League. Wynn was in consequence avoided by all his neighbours as a traitor to their cause, and as a sneak and a liar.

The police then took up Wynn’s case, and used him to obtain prosecutions against the shopkeepers of Castlereagh. For this purpose one of the force went with him to various tradesmen and asked for supplies, and when refused commenced prosecutions against them. In August, 1888, a few days after Fitzgibbon’s second conviction by the magistrates, but before the appeal, a policeman came with Mrs. Wynn to his shop and asked him to deal with her. Fitzgibbon

refused, and pushed them out of his shop. The authorities then commenced a third prosecution against Fitzgibbon, for intimidating Wynn from hiring his land. The case was adjourned from time to time, while Fitzgibbon was undergoing imprisonment on his second conviction, and it was not till May 2, 1889, or eleven months after the meeting of the League on which the case was founded, and seven months after the refusal to supply Mrs. Wynn, that the case came before the magistrates. On the evidence of Wynn as to what took place at the meeting of the League of June 17, uncorroborated by any other witness, and for his refusal to supply Mrs. Wynn in October of the previous year, and although there was no evidence to show that Wynn was unable to get supplies elsewhere, Fitzgibbon was a third time convicted, and was sentenced by the resident magistrates to six months' imprisonment with hard labour. On appeal Mr. O'Connor Morris, the County Court judge, confirmed the conviction, but reduced the sentence to two months' imprisonment, without hard labour.

Before the judge gave his decision the counsel for the Crown said that if Fitzgibbon would promise that he would never do these acts again, 'if he would declare here that the law is stronger than he, that he has found that the law must be vindicated,' the Crown would not ask for any sentence. This was a very safe offer to make. The counsel must have known perfectly well that Fitzgibbon could not humiliate himself by accepting such an offer. Through his counsel, Fitzgibbon said that to accept the offer would only be to discredit himself. He declared that he had in no way consciously or unconsciously violated the law; that he had always endeavoured to promote more amicable relations between landlords and tenants. The judge in giving judgment spoke of Fitzgibbon as 'a very respectable man,' and said that 'they had evidence that Fitzgibbon was the president of the organisation in that district. Wynn was a

member and was ordered not to take the farm. He did take it, and immediately after was boycotted. In other parts of the country, unfortunately, this was followed by frightful results. He was very happy to say it was not so in this instance nor in that county. But it was intolerable that a man was to be shunned by the whole community as if he were a leper, and to be morally ruined by such proceedings. Those who advocated this rested on unstable grounds. The moral sense of the Irish people, who are a good, religious people, will revolt against it. These things were perfectly revolting, and they were concocted abroad by bad, wicked, designing men. He (the judge) had a right to say that he would not deal with any person, but he had no right to enter into a combination to persecute that person. . . . The unfortunate man and his wife were shunned in Castlereagh. Every man's hand was against him. The system was worked as steadily and deadly as poison. Mr. Fitzgibbon may feel justified in this matter. But there were cases in which the moral conscience was so perverted as not to be able to distinguish right from wrong.' The judge appears to have given no weight whatever to the fact that Wynn had himself been a member of the Association ; had joined in the determination to boycott this very farm ; and had, as he admitted in cross-examination, been a party to boycotting one, if not two, persons who had previously taken the land. His treachery and his lies to the Association alone were enough to insure his being avoided by everybody in the district, without any action of the Association. It is a case in which it is difficult to suppose that any jury would have convicted.

In October, 1888, Fitzgibbon's brother-in-law, O'Carroll, came from Dublin with the intention of managing the business in Castlereagh, while his relative should be in prison. While taking a drive together in a car (pursued, as was always the case with Fitzgibbon, by police, also

mounted on a car) they came unexpectedly across a meeting in the open air. The meeting was already over, and the people were dispersing, but seeing Fitzgibbon, they cheered him and groaned at the police. Fitzgibbon succeeded in stopping this, and then drove away, followed by the police. O'Carroll himself had not spoken a word and never left the car. The people cheered Fitzgibbon, but no speech was made by him. A month later ten persons, including O'Carroll, none of whom had taken part in the cheering or groaning, were summoned for holding an illegal meeting, and were called upon to give bail for good behaviour under the Statute of Edward III. There was no evidence to show that this was a meeting of the National League. On refusing to give bail, these men were sent to gaol for three months. While in gaol for the second time, Fitzgibbon, and two other persons convicted with him under the Crimes Act, were selected by the gaol authorities for the task of cleaning out the latrines of the prison, and on refusing to do so, were put into the punishment cell, and were fed on bread and water.

The case is a most instructive one as showing the deliberate intention of the authorities to punish, and even to ruin, this leader of the tenants. Even if it should be proved that each conviction taken separately was justified by the evidence, yet the repeated prosecutions for offences long past, with intervening convictions and imprisonments, would not be permitted by the judges or magistrates in England, and would not be tolerated by public opinion there.

The whole proceedings were in flagrant opposition to the public opinion of the district and of the vast majority of the people of Ireland. Fitzgibbon, in their eyes, had played the part of a generous and public-spirited man, and against his own interest, for he had lost the custom of all the land-owners of the district, who rigidly boycotted him. He had



led the tenants of the neighbourhood to victory ; he had shown and advised moderation in success ; he deserved in their eyes honour, not dishonour and indignity. To single this man out for repeated prosecutions and imprisonments, to subject him to the indignity and severity of a common criminal, with the addition of hard labour, to endeavour to humiliate him by ordering him to clean out the latrines, were acts on the part of the authorities showing a deliberate intention to punish him, and to trample on public opinion of the district. Such policy was as foolish and mistaken as it was malignant. It had exactly the opposite effect to that which was intended. It tended only to raise Fitzgibbon in the popular estimation of the district. It gave him the status of a martyr in addition to that of a popular leader. So far from deterring or frightening others from his cause, it necessarily stimulated them to follow his example, and it intensified public opinion against the authorities and the Government. It has not put an end to the boycotting of Wynn ; it has not prevented meetings of the National League.

The second case to which I have referred is that of the prosecutions at Arthurstown, county Wexford, arising out of the dispute between Colonel Tottenham and his tenants. In this neighbourhood, as in that of Castlereagh, where the fall of prices of agricultural produce occurred in 1885 and 1886, the landlords were at first indisposed to make any abatements of rent, and there arose several disputes between them and their tenants.

The much revered priest of Wexford, Canon Doyle, who had spent a long lifetime in the district, and who had risked his life for the people in the terrible famine of 1846, espoused the cause of the tenants and advised them in their action. Combinations took place in many cases ; but in most of them, and mainly by the advice of Canon Doyle, who used his influence with the tenants to promote moderation, agreements

were finally come to, and abatements of rents were conceded and accepted. Satisfactory arrangements were made between the Marquis of Ely and Lord Templemore and their tenants. In two comparatively small estates, those of Colonel Tottenham and Mr. Byrne, the disputes remained unsettled. Evictions took place, and the landlords were supported by the Government with all the force of the police and the powers of the Crimes Act. Among other steps taken by the authorities, with the object of breaking up the combination of the tenants, and assisting these two landlords in collecting arrears of excessive rent, or evicting their tenants, an inquiry was held under the Star Chamber clauses of the Crimes Act ; several tenants, under the threat of imprisonment, were summoned to give evidence in private as to the part they had taken in the combination, and as to the action of Canon Doyle and others in advising and assisting the combination of the tenants. In other words, they were forced, by threat of imprisonment, into the odious position of becoming informers against their fellow-tenants, who were parties with themselves in the combination, and against their priest, Father Doyle. It is difficult to conceive action of the administration under the exceptional powers of the Coercion Act more utterly hateful to the mass of the population of Ireland, or more certain to bring the law into contempt and hatred. On the strength of some admissions of certain of the tenants, extorted through imprisonment and threats of imprisonment, criminal proceedings were instituted against Canon Doyle, his curate, and twenty-one other persons, tenants of Colonel Tottenham, for taking part in a conspiracy.

The proceedings caused the greatest indignation through the whole of county Wexford, and the district, which had been perfectly quiet, threatened to become the scene of general disturbance. The prosecution was fixed to come on at Wexford on June 20, 1889. On that day, when the

case was called on, it was adjourned to July 4. In the meantime, on June 21 and the two succeeding days, meetings were held at Ramsgrange, New Ross, Enniscorthy, and Wexford, at which Mr. T. D. Sullivan, M.P., Mr. Healy, M.P., Mr. William Redmond, M.P., Dr. Counsel, an able member of the Irish Bar, and many other gentlemen of local position and influence, were the speakers. At Wexford the Mayor presided ; at New Ross and Enniscorthy the chairmen of the Town Commissioners in those towns. The meetings were attended by thousands of people, including priests, town commissioners, poor law guardians, and men of every representative character. They were an emphatic testimony to the universal feeling of indignation of the whole county at the prosecution of Canon Doyle. Resolutions were passed condemning the proceedings against Canon Doyle in the strongest terms. The Star Chamber clauses of the Crimes Act were specially attacked, and witnesses who should give evidence against Canon Doyle, under the pressure of these clauses, were told that they would not be worthy of the name of Irishmen, as they would be degraded by so doing.

On July 4 the case against Canon Doyle was proceeded with. The witnesses, who had made admissions before the secret inquiry, refused to give evidence in open court, and after several of them had been imprisoned, and after repeated adjournments in the hope of compelling them to give evidence, the prosecutions were on August 4 finally abandoned. The Crown lawyers, however, announced that they intended to proceed against the witnesses and those who had advised them. Accordingly, on September 20, Mr. William Redmond, Dr. Counsel, and six of the witnesses, who had refused to give evidence, were prosecuted for conspiring to defeat the administration of the law. It has not been explained why these two speakers were specially selected, or why Mr. T. D. Sullivan, Mr. Healy, and many others who

spoke, some of them even more strongly, were not also prosecuted, save that the capricious and arbitrary selection of persons for prosecution is one of the principal features in the administration of the Crimes Act. For their speeches at the meetings referred to, Mr. Redmond and Dr. Counsel were convicted, and were sentenced to three and two months' imprisonment as common criminals ; the six tenants, who declined to give evidence, were allowed to go free, on the ground that they had been intimidated by the speeches of Mr. Redmond and Dr. Counsel. These two gentlemen have appealed, and the case is still pending ; but if their convictions are confirmed, it will appear that they will go to gaol in a kind of vicarious way in place of Canon Doyle and the tenants, whose convictions the Crown failed to secure, in consequence of the refusal of the witnesses to come forward. But for this failure it appears certain that Mr. Redmond and Dr. Counsel would not have been prosecuted, for no proceedings were commenced against them until after the trial of Dr. Doyle, and until eight weeks after the meetings at which the speeches complained of were made.

From the cross-examination of Colonel Tottenham's agent in the prosecution against Canon Doyle, it appeared that the thirty-two tenants on this property originally demanded an abatement of thirty per cent., and when refused combined under the Plan of Campaign. Later, negotiations took place, and an agreement was practically arrived at between the parties in the dispute on the basis of an abatement of twenty-five per cent., but it fell through because Colonel Tottenham would not agree to reinstate some of the evicted tenants on the same terms. For the same reason another negotiation for the purchase of their holdings by the tenants at eighteen years' purchase of their rent fell through. Colonel Tottenham would not recognise the combination by extending the same terms to the evicted

tenants. The tenants on their part would not abandon those who had suffered eviction for them. Out of this difference, all the subsequent trouble and the long and expensive legal proceedings have arisen, which may finally result in the imprisonment as common criminals of Mr. W. Redmond and Dr. Counsel, while those principally concerned in the matter will be free from such punishment.

In this single case of combination no fewer than sixty persons have been prosecuted or sent to prison for various offences directly or indirectly connected with it. The whole influence of the Government and all its powers under the Coercion Act have been used in support of Colonel Tottenham and against the tenants, with a view to crush the combination. For the same purpose the public opinion of the district was trampled upon by the attempt to secure a conviction against Canon Doyle. The whole district was roused into indignation by these proceedings. The feeling was greatly aggravated by the use to which the Star Chamber clauses were put, and by the effort to compel some of the tenants who were parties to the combination to become informers against their fellow-tenants and against their revered priest, Canon Doyle. What would have happened if the prosecution against the priest had succeeded, it is not difficult to conceive. The whole countryside would probably have been brought into a condition of disturbance and disorder. The vicarious prosecution and punishment of Mr. W. Redmond and Dr. Counsel, on the failure of the main prosecution, has the appearance of being due to a spirit of angry disappointment, and to a determination to find some scapegoats for the sins of the tenants and their advisers.

### A HAPPY SETTLEMENT

WHEN last in Ireland, in August, 1888, I visited the estates of Captain Vandeleur in county Clare, at the suggestion of the late very Rev. Dr. Dinan, the Vicar-General of the diocese and parish priest of Kilrush, who thought I might be instrumental in effecting a settlement in the long-pending dispute between the landlord and his tenants.

In an account which I published of my impressions of this dispute,<sup>1</sup> I showed how little was the original difference between the demands of the tenants and the concession which the landlord was prepared to make. It was not a case like that of Lord Clanricarde or Lord Massereene, where these landlords had originally refused to make any abatement whatever, and had got rid of their agents for advising it. Nor was it one where the landlord had refused to negotiate with his tenants as a body. It was a case where there was a *bonâ-fide* dispute ; where both parties to it were equally persuaded they were in the right ; where the tenants on the one hand claimed as a matter of right, in consequence of the excessive standard of rent on the estate, which on the grave fall or prices became an impossible figure, a certain abatement or rent ; and where the landlord on his part, while prepared to make a certain all-round abatement, was unwilling to concede the full amount which the tenants asked. The difference between these two disputants had at the commencement amounted to 20 per cent. of the rents on non-judicial

<sup>1</sup> *Incidents of Coercion*, third edition, p. 160.

rents. The tenants had then combined and had adopted the Plan of Campaign. The landlord then began to evict his tenants, and was supported in this course by all the forces of the Crown, and by all the power of the Coercion Act. Later, in 1887, when negotiations were again resumed, the difference between the two parties was reduced to 10 per cent. ; but beyond this the landlord would not go, and the tenants still maintained their inability to pay.

The case was one in which it was impossible for an outsider like myself, within a limited time and with imperfect means of obtaining full information, to come to a confident opinion as to which of the two parties was in the right ; nor did I attempt to do so. The details were of a very complicated nature, some tenants being entitled to half county cess, others standing on a different footing, and so forth. It appeared to me, however, that all the more was it a case which ought to be settled by friendly arbitration, rather than by a resort to extreme proceedings, and by the eviction of the whole body of the tenantry. I used all my efforts in this direction. The tenants on their part were most eager for a settlement, and were quite ready to refer the matters in dispute to arbitration.

I had a long correspondence with the agent of the property, Mr. Studdert, in which I urged the expediency of the landlord adopting this course. The owner, Captain Vandeleur, at that time lived abroad, and had no personal knowledge of what was going on in the district. His agent gave me to understand that there was no hope of Captain Vandeleur assenting to this method of settling the dispute, and I was compelled to abandon all hope of a settlement in this direction.

It was evident also, from what I had seen and heard in the district, that all the local influences of the landlord class were being used to prevent Captain Vandeleur adopting this course. It was apparently thought that in doing so he

would be yielding to the Plan of Campaign, and practically surrendering to the enemy. They desired that he should fight the battle of other landlords of the district, by refusing any recognition of the combination, and by not giving way without a substantial victory.

This appeared to be the view also of the officials of the district. So far from using their powers in a spirit of neutrality, as between the two disputants, they evidently considered it their duty to throw the whole weight of the Government against the tenants, with the object of defeating the combination. Colonel Turner, who reigned supreme in the district, urged on Mr. Studdert to extreme measures. In a letter to the *Daily News* he explained fully his views on this subject.

‘I have not hesitated,’ he said, ‘to express my regret that so far no steps have been apparently taken on behalf of the landlords to utilise the effect of these evictions and work the evicted farms. Evictions are a sad necessity, and especially so when the tenants can pay and will not ; but certain duties are incumbent upon a landlord in the assertion of whose just rights the forces of the Crown are properly employed, and if the vile and dishonest conspiracy, known as the Plan of Campaign, than which a more fraudulent scheme was never started by seditious minds, is to be successfully fought, more must be done than merely evicting tenants and leaving the evicted farms idle ; and the combination will not be defeated until such takes place.’<sup>1</sup>

This letter was most important as showing the attitude of the Government, and those representing it on the spot, towards the tenants and their combination. Everything was done to indicate that the whole power of the Government was to be used against the tenants. The battering-ram was for the first time used on an extensive scale in these evictions. A couple of days before the evictions

<sup>1</sup> *Daily News*, September 12, 1888.



began it was paraded throughout the district with the other paraphernalia of eviction, and accompanied by its staff of emergency men and by a military escort, as if with the object of striking terror in the minds of the tenants—an object in which it entirely failed. It was used unsparingly, however, and, as we now know, quite unnecessarily. Many of the houses were battered to the ground by it. Tenants who resisted, by barricading their houses, were committed to prison on the spot by a resident magistrate, Mr. Cecil Roche, who accompanied the evicting forces. In all about thirty tenants were evicted ; the houses of many of them were demolished or seriously injured by the battering-ram.<sup>1</sup> The Coercion Act was freely used in support of the landlord, in sending his tenants to prison. Between forty and fifty persons found their way to prison for various acts directly or indirectly connected with this dispute ; among them twenty-one carpenters and other persons from Kilrush were sent to prison for holding an illegal meeting, their object being to barricade the houses of tenants for the purpose of resisting the sheriff. The Government was thus completely identified with the landlord, and took upon itself to decide whether the tenants could pay and ought to pay, and whether their action was reasonable or otherwise.

The extent to which this influence of the Government was used may be illustrated by a matter in which I was personally concerned, but which I was unable to mention, when I wrote on this subject in 1888. The inspector of

<sup>1</sup> When the dispute was concluded, Captain Vandeleur made a claim on the Government for the cost of rebuilding the tenants' houses which had been destroyed or injured by the battering-ram, on the ground that this had been done against the protest of his agent and by the directions of Colonel Turner. Colonel Turner has repudiated the suggestion, and has stated that he did his best to dissuade the agent from directing the demolition of the houses. It is not necessary to determine where the responsibility rests for this needless destruction of property.

the Local Government Board of the district, Mr. Micks, had unusual experience in judging of the ability of the tenants in such a case to pay arrears of rent, as he had been secretary of the Commission which dealt with arrears under the Act of 1882. At the instance of both parties he looked into the question, and without expressing any opinion as to the merits of the dispute, he made a suggestion as to what would be a reasonable settlement. His proposal was agreed to by the tenants, but was rejected by the landlord or his agent. When I visited the district I was advised to call upon Mr. Micks as an independent authority. I did so, and Mr. Micks accompanied me in a visit I made to some of the evicted farms. I have reason to know that Mr. Micks was reprimanded by the Local Government Board in Dublin for being in my company. He was further directed not to interfere in the dispute between Captain Vandeleur and his tenants, and he was shortly after moved to another district in the North of Ireland.<sup>1</sup>

In spite of all these proceedings, in spite of the battering-ram and the prison, in spite of the fact that all the influences of the Government were used against them, the tenants stood firm in their combination. There was no flinching; those threatened with eviction refused terms individually offered to them, which they might have accepted under protest if standing alone rather than submit to a sacrifice of their property; but they felt that in the interest of the common cause of all it was necessary to refuse any

<sup>1</sup> When I stated in the House of Commons that Mr. Micks had been reprimanded for being seen in my company Mr. Balfour at once rose and said that my statement was entirely void of truth. Two days later I gave notice of a question to Mr. Balfour whether he would produce any correspondence on the subject between the Local Government Board and Mr. Micks. Mr. Balfour left it to the Solicitor-General to reply that all such correspondence was of a confidential nature and could not be produced.

offer which was not agreed to by all, and which did not involve the reinstatement of the evicted tenants.

It seemed to me that the dispute could only be settled by arbitration. 'Is a whole population,' I said, in reviewing the case, 'to be evicted because of a dispute involving a difference of no more than 10 per cent. of the rents? Are the forces of the Crown to be used for carrying out to its bitter end the policy of clearing the estate? Let us suppose for the sake of argument that the tenants are in the wrong, and that they ought to accept the last offer of the landlord, is it the best mode of persuading them that they are in the wrong to send the forces of the Crown to evict them by wholesale? If it be the fact, as is asserted by the agent, that the action of the tenantry is due to the priests and to other agitators, who are using them for political purposes, does not this constitute the stronger reason for endeavouring to withdraw them from these influences by offering some other arbiter of their claims? What, then, is required in this and other cases of the kind is that some independent authority should intervene between them and their landlord, and decide as to what is reasonable and fair under all the circumstances.'

I had been unable to induce the agent, Mr. Studdert, to take this view of the case. He used the stock arguments against it—namely, that Captain Vandeleur could not submit his conduct to the decision of an outsider, that the tenants were engaged in a criminal conspiracy, and that a reference to arbitration would be a recognition of their conspiracy. The dispute, therefore, went on. Numerous evictions were carried out, and more were threatened. More prosecutions were held under the Coercion Act. Further litigation of all kinds was entered upon. Those tenants who remained in possession were unable to cultivate their land properly through fear of eviction and of raids on their cattle in distraint of rent. The lapse of time only increased the diffi-

culty of a settlement, and rendered the tenants less able to come to terms. On the other hand, all the proceedings of the Government and all the evictions of the landlord failed to break the combination. The tenants stood firm by it, and with one exception none of the farms from which the tenants were evicted were taken by new tenants. They remained derelict and uncultivated.

Fortunately, after a time, early in 1889, the owner, Captain Vandeleur, was able to return to this country, and to revisit his property in Clare. He soon became aware of the deplorable condition of affairs there, and he was not insensible of the importance of restoring the friendly relations, which had formerly existed between his family and the tenantry. Mainly, I believe, by the wise advice of Mr. Henniker Heaton, M.P., he was induced to offer to refer the questions in dispute between himself and his tenants to arbitration. This course was gladly accepted by the tenants. It was mutually decided to refer the questions to Sir Charles Russell.

In due course Sir Charles Russell gave his award. It determined the questions in dispute for the most part in such a manner as fully justified not only the original demand of the tenants, but their subsequent action in the later negotiations. It confirmed the arrangement already made, and which was in part the condition of the arbitration, that the evicted tenants should be replaced in their holdings, and that the landlord should pay the full cost of materials used for the repair of the houses which had been destroyed or damaged in the evictions, and should pay the value of the crops destroyed or injured in consequence of these evictions ; it also provided that no rent should be charged against the tenants during the time that they were not in possession of their holdings in consequence of eviction, and further that no costs should be charged on either side.

The award gave satisfaction to both sides, and both parties willingly agreed to allow it to be the law of the estate for a period of five years. The effect of this arbitration has been most satisfactory all round. It has completely proved the honesty and reasonableness as well as the necessity of the tenants' combination, which Colonel Turner had characterised in such strong language. It has been no less creditable to the goodwill and good sense of the landlord. It has brought the landlord and the tenants together, and established friendly relations between them, where a state of antagonism and misunderstanding existed before. Finally it has restored peace and order, and secured a measure of contentment to a district, which had been in a state of deplorable disturbance and in an economic condition fatal to either prosperity or peace. It is a strange commentary on the policy of the Government that these fortunate results have been brought about by the efforts of private individuals, not only unaided by it, but in spite of the opposition of the officials thrown in their way at every step.

This wise and politic action of Captain Vandeleur in favour of arbitration was received with a chorus of disapprobation by the landlord party in the county of Clare. It is said that even in the Tory clubs of Pall Mall Mr. Henniker Heaton was severely criticised and blamed for his action, and was avoided and boycotted by many of his party. It was considered by these ignorant partisans as an abandonment on the part of the landlord and a surrender to the Plan of Campaign. Mr. T. W. Russell, who has throughout shown himself in these disputes as the vehement opponent of combinations of tenants, has spoken of Captain Vandeleur's action as a complete surrender, which ought not to be followed as a precedent in other cases.

The officials of the Government in the district appear also to have looked on the reference to arbitration with

anything but friendly eyes. It was indeed generally believed by the tenants that these officials did their best to prevent the settlement being carried into effect.

It has already been pointed out that one of the conditions of the settlement was that all the evicted tenants should be replaced in their holdings. It was easy enough to effect this in all but a single case. No one had been found to hire the evicted farms. They were derelict in the hands of the landlord. The single exception is every illustration of the strength of feeling of the tenantry on the subject, and of the difficulties which arise on this point in the settlement of such disputes.

One of the farms, from which a tenant named Clery had been evicted, had been re-let to a Mr. Daxon. Daxon appears to have considered that he had some dormant claim to the farm, as his father had years ago been evicted from it, before it came into possession of Clery. In the opinion, however, of the tenants the landlord was bound to reinstate Clery in the holding. Daxon, after obtaining a lease of the farm from the agent, had gone to America, leaving the farm in the occupation of his mother, and it was believed that he had no intention of returning. The question was how to induce Mrs. Daxon to give up the farm.

Four of the priests of the district, who were most anxious that the settlement should be effected, called on the agent with reference to the reinstatement of Clery. They told him that this was a necessary condition of the payment of rent by the tenants—necessary for the peace of the district, and also to carry out the award of Sir Charles Russell. They suggested that a small money payment to Mrs. Daxon might remove any difficulties on her part. The agent, they state, assented, but suggested that the more effectual way would be for Dr. Dinan, the parish priest, to see her. The four priests then, at the request of Dr. Dinan, called on Mrs. Daxon, and, according to their account, reasoned with

her on the subject of the farm, pointing out to her that her retention of it would be against the peace of the district. They asked her whether she would insist on remaining there. They state that Mrs. Daxon replied that she did not intend to remain ; that she would be guided by the wishes of the priests. On leaving Mrs. Daxon gave them her blessing, and left them with the impression that very few words on the part of the agent would set the matter right.<sup>1</sup>

Shortly after their visit Colonel Turner and Captain Welch, the Resident Magistrate for the district, also called on Mrs. Daxon. Colonel Turner has stated that their call was accidental, and was due to the fact that they were visiting a police station close by. According to his statement, Mrs. Daxon complained that the four priests had used threatening language to her, to the effect that they would denounce her from the altar, if she did not give up the farm, and that the West Clare boys would not leave her in peace. Colonel Turner says that he then told her not to be frightened out of the farm by the intimidation of priests or others, and that he advised her to have a summons issued in every case of trespass on her farm. He also told the police to protect her from intimidation and annoyance.<sup>2</sup>

On the other hand, the four priests absolutely deny having used any such language as was attributed to them by Colonel Turner. They say that during their conversation with Mrs. Daxon they were within three or four yards of the police station, at the door of which a constable was standing, who must have heard all they said. They also allege that Mrs. Daxon later informed them that Colonel Turner had told her to keep a firm grip on the farm, and ordered her to issue a summons against Clery.

Whatever be the exact truth of what passed between Mrs. Daxon and the four priests on the one hand, and

<sup>1</sup> Letter in the *Times* from the four priests, June 26, 1889.

<sup>2</sup> Colonel Turner's letter in the *Times*, July 11, 1889.

Colonel Turner and Captain Welch on the other, it is certain that Mrs. Daxon, instead of showing a disposition to give up the farm, took out a summons against Clery for trespassing on it with his cattle. The case came on before the magistrates at Kilkee, Captain Welch presiding. On the cross-examination of Mrs. Daxon, the following questions were put and answered, as reported in the Tory newspaper for the district.

Mr. Hilliard for the defendant.—Why did you issue a summons against Clery?

Mrs. Daxon hesitated.

Mr. Hilliard.—Was it Colonel Turner and Captain Welch, now on the bench, who advised you to take out a summons?

The Chairman (Captain Welch).—I was at this farm with Colonel Turner, but you are mistaken in your information about him.

Mr. Hilliard to the witness.—Did Colonel Turner and Captain Welch tell you to issue a fresh summons, and to keep your hold on the land?

Mrs. Daxon.—I am not bound to tell you.

Mr. Hilliard.—You must answer me.

Captain Welch.—What does all this mean? She is in the possession of the farm, and the trespass is being committed.

Mr. Hilliard.—Was it Colonel Turner and Captain Welch, now on the bench, who advised you to bring this fresh proceeding?

Captain Welch to the witness.—You need not answer that.

Mrs. Daxon.—I am not going to tell you which of the gentlemen told me to do so.

Captain Welch said he did not mind whether she answered or not.

On being further pressed, Mrs. Daxon said:—Colonel



Turner and Captain Welch did tell me to keep a hold on the land.<sup>1</sup>

The case was adjourned for three weeks for the attendance of the agent. In the interval I am informed that remonstrance was made direct to the Chief Secretary on behalf of Captain Vandeleur, against the action of Colonel Turner and Captain Welch, pointing out that it was calculated to prevent the settlement, which it was hoped had been happily arrived at between him and his tenants, and specially protesting against the scandal of Captain Welch presiding as magistrate in a case where he had himself advised the prosecution. It may reasonably be supposed to be due to this remonstrance that when the case against Clery again came on in court, Captain Welch was conspicuous by his absence, and the court, newly constituted, contented itself with fining Clery one shilling only for the trespass of sixty cattle on the holding from which he had been evicted.

We may reject as absolutely untrue the suggestion that the four priests had threatened and intimidated Mrs. Daxon. On the other hand, though it may be untrue that Colonel Turner and Captain Welch purposely endeavoured to induce Mrs. Daxon to keep hold of the farm with the object of preventing a settlement, it cannot be denied that it was in consequence of their advice that she commenced proceedings against Clery for trespass. It is difficult to suppose that they were not fully aware of the importance of Mrs. Daxon giving up the farm, and that the settlement of the dispute turned upon this question; they certainly did nothing on their part to facilitate this arrangement by advising Mrs. Daxon to be reasonable.

It is also certain that the settlement of the dispute was for some time in jeopardy by reason of the difficulty then created in the reinstatement of Clery. The tenants, with a most generous feeling towards him, insisted upon his being

*The Clare Herald*, June 1, 1889.

replaced in his holding, and refused to pay their rent in accordance with Sir Charles Russell's award until this was done. The difficulty was ultimately settled, I understand, by Mr. Henniker Heaton himself going to the district, and, partly out of his own pocket and partly out of that of Captain Vandeleur, very generously paying something to Mrs. Daxon to induce her to give up the farm. She was also provided with another house in Kilrush by the late Father Dinan. I have thought it worth while to state fully these facts in order to show how strongly the tenants in such a case feel on the subject of the reinstatement of the evicted tenants.

This difficulty being removed, the tenants came in and paid their rent subject to the abatement decided upon by Sir Charles Russell. Thus at last, and after three years of trouble, the dispute was brought to an end. All the evicted tenants, without exception, were reinstated in their holdings. Two or three of them, indeed, were in gaol under long sentences of imprisonment for resisting evictions, now practically declared to have been unjust and unnecessary. Captain Vandeleur, with great generosity and with excellent judgment, headed with his signature a petition to the Government, asking it to contribute to the peace of the district and the content of the people, by releasing these imprisoned tenants, so that they might enter again into possession of their homes, and set about rebuilding their houses with the material provided by Captain Vandeleur.

Most people would suppose that the Government would be only too glad to make this concession to public opinion, and to add their contribution to the general restoration of peace and harmony in the district. But no ! the Government refused to accede to the petition. The imprisoned tenants were compelled to serve out their full time in gaol. Not a jot could be conceded. The full pound of flesh must be exacted ; no victim to the Coercion Act could be

surrendered. When at last these men came out of gaol, they were received with universal demonstrations of rejoicing in Kilrush. They were all the greater heroes on account of the want of generosity of the Government.

Meanwhile the settlement of this grave dispute has had the most fortunate results. The whole district is restored to peace and content. Prosecutions have ceased. The necessity for coercion has disappeared. The police find themselves without anything to do. They were able to amuse themselves with games of cricket. Colonel Turner, Mr. Cecil Roche, and Captain Welch have found their occupation here nearly gone. The landlord and the tenants are again on friendly terms. The only gainers by the long delay of the settlement have been the lawyers of Captain Vandeleur, and those who were fed by prosecutions under the Coercion Act arising out of this dispute. It would be interesting to know what has been the cost to Captain Vandeleur of this prolonged dispute, which might have been so easily settled at the commencement.

What, again, must be the moral, not merely to the tenants of this estate, but to others? Where would they have been if they had followed the advice of Mr. T. W. Russell and others, who denounced the combination, and who raved at them for not singly agreeing to terms with their landlord? Has not the result shown the wisdom of standing by one another, and of not yielding separately?

Looking back again at the dispute and its results, can it now be said that the combination was criminal and immoral? The sequel has shown that the tenants were justified in their demands and that the landlord was in the wrong. Wherein, then, consisted the criminality and the immorality? Under ordinary conditions of law the criminality of the combination could only be determined by a jury fairly chosen in the district. It may be confidently asserted that no jury in Ireland, fairly constituted, would have affirmed

that the combination of the Vandeleur tenants had objects and intents such as to justify them in pronouncing it a criminal conspiracy. The morality of it has been abundantly affirmed by the result. The moral, then, to the tenants and others in Ireland must be that such a combination may be justified where the case is a strong one, and that, once entered upon, the wise and safe course is to stand by one another without flinching to the very end, trusting that right will prevail. On the other hand, the moral to the landlord should be that it would be well to recognise the right of combination, and, where there is any doubt, to meet it early by a reference to friendly arbitration.

What, lastly, should be the moral to the Government? Does not the whole case prove the unwisdom and bad policy of the Government making itself a partisan through its agents in such a case, and using all its forces, and all its exceptional powers under the Coercion Act, in support of one party to the dispute, and against the other? What must be the effect on the public opinion of the district of Colonel Turner urging the landlord to extreme measures against his tenants; of Mr. Cecil Roche sitting on a rail watching the proceedings of the evicting party, and committing those who resisted to gaol, there and then; of Captain Welch advising Mrs. Daxon to take proceedings against an evicted tenant for trespass, and then sitting on the bench to hear the case? Do not such things bring the administration and the law into contempt in the district, and widen the breach between the Government and the people? Is not the moral, then, that some deference is due on the part of the Irish Government to the public opinion of Ireland, to whom such things are justly abhorrent?

It would be most interesting and instructive to know what has been the cost to the taxpayers of all these fruitless and unnecessary proceedings in support of Captain Vandeleur, of the movements of police and soldiers, of all the

prosecutions of the many people sent to gaol, of their maintenance in gaol. So far as the public of Ireland is concerned, what must strike them most is the impotence of all Mr. Balfour's efforts to strike terror into the minds of the tenants in this district. To what purpose have been his tremendous powers under the Coercion Act, his military and police force, his officials of the order of Colonel Turner, Captain Welch, and Mr. Cecil Roche, his gaols and his battering-rams, his own clever speeches in the House of Commons, backed up by Mr. T. W. Russell's able but partisan attacks on the tenants in the *Times*? All have been impotent to smash the combination of the tenants, or to break the discipline and spirit of the people, or to drive them into crime and outrage, or to upset a settlement which was successfully carried out in spite of the opposition of local landlords and officials; such impotence cannot fail to involve the Government in ridicule, and, of all dangers to an administration in Ireland, ridicule is the most serious and the most damaging.

### *PAST AND FUTURE*

EIGHTEEN months ago<sup>1</sup> I described at some length the origin of the then existing disputes between bodies of tenants and their landlords, and the method of combination adopted by the former. I illustrated the position by the details of special cases. I pointed out how they had their origin in the failure of Parliament to accede to the demands of an overwhelming majority of the Irish members for legislation in 1886, to meet the pressure caused by the grave fall of prices of agricultural produce ; and how they were kept alive by the failure of the Government, when legislating on this subject in 1887, to deal with the arrears of rent which had accumulated since these disputes arose. I showed that the Government had put in force all its power to break down these combinations, and that almost the only use made of the Coercion Act had been to imprison persons for acts directly or indirectly connected with these combinations. I showed that up to that time the use of this method had been practically without effect, and that the combinations of tenants had not been broken down by the imprisonment and punishment of its members or their advisers and leaders. I concluded by expressing the confident opinion that it would be wise policy on the part of the Government, instead of putting in force an arbitrary and exceptional law for the purpose of supporting landlords in the collection of arrears of unjust rents, and of quelling the spirit of tenants and crushing their

<sup>1</sup> *Incidents of Coercion.*

combinations, to use all their influence to induce the landlords to agree to the arbitration of these disputes, and in the event of their failing to do so, to apply to Parliament for a measure to compel the compulsory arbitration of the remaining disputes by some independent authority.

All that has occurred in the interval since I wrote then has confirmed me in the views I then propounded. No change has since occurred in the attitude of the Irish Government. They have continued to use their powers to the full for the purpose of crushing these combinations and of punishing those engaged in them. They have made no effort to secure the settlement of these disputes by arbitration. With few exceptions, the disputes which then existed are still unsettled. Some few have been brought to an end. In the Vandeleur case, one where I had found it most difficult to arrive at an opinion whether the merits of the original dispute lay with the landlord or with the tenants, and where I expressed no opinion, the landlord was at last persuaded to refer the dispute to arbitration, and the arbitrator has since determined the questions so as to satisfy both parties, and all the evicted men have been restored their holdings, and peace and order have been re-established in the district. In a few other cases the disputes have been settled by the landlords conceding the claims of the tenants by consenting to abatements which they originally refused, and reinstating the evicted tenants. In none of these can it be shown that the settlements were due to the influence of the Government, or to the action of the Coercion Act, but rather the reverse.

The remaining disputes are still unsettled. They are not many in number ; they probably do not exceed twenty ; but they are each of them the centres of disturbance and difficulty in the districts where they exist. They are the dregs of the agrarian difficulty which arose in 1886 when the grave fall in prices occurred. They are the sole excuse for

any action under the Coercion Act. There is no power under the Land Act of 1887 of bringing them to an end.

During the interval I refer to many hundreds of evictions have taken place on these estates, and hundreds of persons have been sent to prison for acts directly or indirectly connected with these disputes. But neither wholesale evictions nor wholesale imprisonments have broken the spirit of the people, or have had any influence in bringing the disputes nearer to a conclusion.

In most of these cases, as will be seen from my narrative in preceding chapters, the landlords have at last made offers to the tenants remaining in possession, which if made originally at the inception of the disputes, would have avoided all difficulty. The difficulty, however, in the way of settlement consists in this, that since the commencement of the disputes numerous evictions have taken place, the houses of the evicted tenants have been tumbled down, their land has remained uncultivated and has got into disorder, costs of all kinds have accumulated. The tenants remaining in possession are unwilling to accept the offers of their landlords except upon the terms that the evicted tenants should be reinstated in their holdings. The landlords on their part either refuse to reinstate these evicted tenants altogether, or insist on terms of reinstatement which it is impossible for them to fulfil.

The question of the reinstatement of the evicted tenants, therefore, is the main stumblingblock in the way of a settlement of most of these disputes. This question is illustrated by the cases of Lord Clanricarde, Lord Massereene, Mr. Ponsonby, and Colonel Tottenham, to which I have referred at length. There are differences between them, but substantially the difficulty in all is that of the replacing the evicted tenants in their holdings. The remaining tenants, parties to the combination, feel that as honourable men they cannot abandon those who have been already evicted, and



who submitted to eviction for the common cause and upon the understanding that all would stand together, and that no agreement would be come to without securing the interests of all. The landlords appear to be unwilling to close the disputes without a substantial victory. It also appears that these contests are no longer being carried out in the interest only of the individual estates on which they commenced. The landlord has either handed over the estate to a syndicate of other landlords, who are carrying on the dispute in the interest generally of their class, and who desire to make such an example by punishing some of those connected with the combination as will deter others in the future from entering into similar combinations; or he has received substantial aid from other landlords, conditional upon his fighting the question out, and refusing to come to terms except in a manner that will achieve a victory against the combination; or he is carrying out the struggle to its bitter end, as in the case of Lord Clanricarde, from a vindictive feeling against the tenantry or from a simple desire to punish those who have compelled him to yield.

It becomes, therefore, all important to determine what is the true aspect from a legal and moral point of view of those engaged in such combinations, when the landlord is prepared to concede the main point which was in issue at the commencement of the dispute, and when the only remaining difficulty in the way of settlement is the reinstatement of those who have already been evicted. Are the tenants who insist on maintaining their combination, and who refuse to accept terms otherwise acceptable to them, and until the same terms are conceded to the other members of the combination already evicted, guilty of a criminal conspiracy, and of immoral conduct, in continuing the combination? Are those who advise them to stand by one another under these circumstances, and not to give way till the evicted men are replaced, and who tell the tenants that to abandon the

evicted men would be dishonourable and base, guilty of an incitement to a criminal conspiracy? And is the Government justified in continuing to act as if all these men are engaged in a criminal conspiracy, and in using all the forces of the Crown and all the powers of the Coercion Act to put them down?

It would appear to be now practically conceded that the mere combination of tenants to refuse to pay rent, unless an abatement is granted to them, and to put the landlords to the stress of taking proceedings against them for the recovery of rent, by ejectment or otherwise, is not criminal. This is what the tenants of Mr. Smith-Barry at Tipperary are now doing. Their combination is free from the special features of the Plan of Campaign. It is a simple combination to submit to eviction unless certain terms are conceded, or unless Mr. Smith-Barry withdraws from his syndicate. No attempt appears to be made by the Government to treat this combination as a criminal conspiracy. There has been no inquiry under the Star Chamber clauses; no prosecution of the parties to the combination. The feature of the Plan of Campaign which appears in the opinion of many lawyers to constitute it a criminal conspiracy, is the payment of a part of the rent—*quâ* rent—by the members of the combination into the hands of trustees.

I believe, however, I am right in saying that under the ordinary law there is no authority which has the power of determining the criminality of a particular combination, except a jury fairly chosen according to law. There is no precise measure of the criminality of a combination. It is a question for the jury, and it is one in which the intentions of the accused and the objects he has in view must be considered. Just as in the case of a criminal libel, there is no precise test or measure of the criminality of the libel except the verdict of a jury, so in a conspiracy the verdict of the jury is an essential feature under the ordinary law.

The function of the judge at the trial is not to determine conclusively whether a particular combination is a criminal conspiracy, and to direct the jury that they must find the accused guilty if they believe the facts ; his duty, I am informed, is to tell the jury that they will be justified in treating it as a criminal act on the part of the accused, if they are satisfied as to the intentions of the accused. In the cases of combination under consideration, I presume the question for the jury would be whether the accused, by combining together not to pay the full rent, but to claim an abatement, intended to defraud their landlord.

So long as the offence of conspiracy can only be tried and determined by a jury, there is little chance of the law being put in force, whether in England or Ireland. The law has ever been recognised as the most dangerous and difficult of application of any part of the criminal law, and has only been allowed to remain unaltered because the jury is a safeguard against its improper application. By withdrawing such cases of conspiracy from a jury, and by enabling two resident magistrates under the Coercion Act to determine the criminality of the accused, Parliament has removed all security against the capricious and oppressive enforcement of this most dangerous part of the criminal law.

Such magistrates, the mere nominees of the Crown, without independence, look at the question from a totally different standpoint from that which juries would do. The question with them is not whether on the whole the intention of the alleged conspirators is such as to justify the treatment of the act as a criminal conspiracy, but whether the act is such that it could possibly be brought within the meshes of a criminal conspiracy, assuming everything against the accused. The mere prosecution by the Government is sufficient to show that the intent of the accused is, in the opinion of the highest authorities, bad ; how then can these resident magistrates be expected to put

a more favourable construction upon the intentions of those brought before them ?

Whatever, however, might be the view which a common jury, whether in Ireland or England, would take of such a combination at its inception, when the objects and intentions of the parties to it and the merits of their claim are in doubt, the position is very different when later the landlord has practically admitted the claim of the tenants by offering to concede the abatements, which he originally refused, and the refusal of which was the cause of the combination. If in such a case the tenants remaining in possession continue in their combination and refuse to come to agreement, not because they are dissatisfied with the terms offered to themselves, but because the landlord refuses to reinstate the evicted tenants upon the same terms, what, I ask, is the legal and moral aspect of the combination at this point ? Is it criminal, and is it immoral ?

It has in such case become clear beyond all doubt that the demand of the tenants was reasonable. The landlord has practically conceded that point. He has given way upon it. He is estopped from saying that it was unreasonable. It was his own action that was unreasonable and unjust, and not that of his tenants.

The eviction of the tenants, who bore the brunt of the battle in the first instance, has now been proved to have been unnecessary and also unjust. But for their firmness the tenants as a whole might not have been successful. They stood firm and submitted to eviction rather than submit to the claim in full of the landlord, because they had the distinct promise that the other tenants would be true to them, and would not come to terms except upon the condition that the evicted men would be reinstated upon the same terms. How, under these circumstances, can their fellow-tenants be expected as reasonable and honourable men to come to agreement with their landlord, and in so doing

to abandon the evicted men? The immorality and the dishonour of the transaction would be all in the other direction. If the tenants were at this point to abandon the evicted men, if they were to take all the advantage of the position, and to profit by the action of those who had been evicted, and by whose pressure, resistance, firmness, and pluck the landlord had been brought to a point where he was at last prepared to concede that which he had originally refused, how could they justify themselves to their own consciences, to their evicted comrades in the combination, to the public opinion of their district? Their conduct would under such circumstances be immoral and dishonourable. It seems, then, to follow that the continuance of the combination at this point cannot in any true sense be considered immoral or dishonest; on the contrary, it is moral and honest. Neither can the combination at this point be deemed to be criminal. It is, of course, possible that resident magistrates, acting under the suggestion of the Government, might still hold the combination to be a criminal conspiracy; but it is impossible to suppose that any jury in any part of the United Kingdom could be found to take this view of the position, and to find persons accused under such circumstances guilty of a criminal conspiracy.

Let me illustrate the case by the more familiar one of a combination of working men, on a strike for higher wages. Till a few years ago, such a combination might have been considered by a jury as a criminal conspiracy. Let us suppose that after the strike had existed for some months, the employers should be prepared to yield the original demands of the men, and were to offer to take them back into their employment upon the terms they asked for, but were to make a special exception of the leaders of the men, who had advised them in their combination and strike. What should we expect the men to reply to this offer? Would they not refuse without hesitation such terms, and

insist upon their leaders being taken back also? What would public opinion say of men who should accept such terms, and humiliate themselves by abandoning their leaders? Would they not earn and receive the contempt of everyone? Suppose, under the old law, a prosecution were laid for criminal conspiracy at this point, is it conceivable that any jury would have been found to convict? The combination could not at this point be considered unjustifiable, nor even, under the old law, criminal.

The position is the same with these tenants in Ireland, who have combined together for abatements of rent. Subsequent events and the proposed concessions of the landlords have affirmed the justice of the demands of the tenants. The only difficulty in the way of settlement is the refusal of the landlord to reinstate the evicted men either upon the same terms or on terms that they are able to accept. The combination at this point, then, whatever may originally have been thought of it, cannot now be considered as criminal or immoral.

In this view, then, I have felt, when in Ireland, no hesitation in advising the tenants in such cases that as honourable men they are bound to stand by one another in their combinations, and they would not be justified in coming to terms with their landlords unless the evicted tenants, parties to the combination, are replaced in their holdings; and I do not believe that such advice would be held to be criminal, as an inducement to a criminal conspiracy, by any jury in the civilised world.

This view is immensely strengthened by the fact that the tenants in such cases are no longer fighting against single landlords, supported by the Government and the Coercion Act, but against syndicates of landlords, who are not fighting in the interest of the individual property concerned, but in the supposed interest of the general class of landlords, with the object of inflicting some punishment on the tenants or their

leaders. I will not discuss whether the landlords who are parties to the syndicate are within their legal rights, but I question the policy. I still more question the policy of the Government in supporting such landlords in the manner they have done and are doing.

As regards the landlords, in adopting such a policy they can hardly have estimated the effect of their action on public opinion in Ireland. In the case of the Ponsonby estate, where this policy has been openly avowed on behalf of a syndicate of landlords, the direct and immediate result has been that public opinion in Ireland has been roused to a point of which we have had few examples in the past. We see the Tipperary tenants of Mr. Smith-Barry, fired with indignation, espousing the cause of the Ponsonby tenants, submitting themselves to eviction, and sacrificing their property in a manner quite unprecedented in any past agrarian movement. There has resulted also the new movement known as the Tenants' Defence Association, the avowed object of which is to combine the tenants generally throughout Ireland for the purpose of meeting the combination of landlords and assisting the tenants in the cases referred to. The success of this movement, the unanimity of opinions it has elicited, the large funds it has collected, are proofs of the degree in which public opinion in Ireland has been roused by the action of Mr. Smith-Barry and his syndicate, and by the vindictive proceedings of such men as Lord Clanricarde.

It may confidently be asked whether, in view of such manifestations of public opinion, the landlords concerned are acting wisely in persisting in their course, and whether it would not be politic in them to defer to it, and to abandon their present policy. In any other country than Ireland, a section of landlords would scarcely dream of putting themselves in opposition to public opinion by pressing their rights to this extreme. They would not dare to enter into such a

conflict. In a free country, under constitutional government, where the jury system prevails, where the press and the platform is subject only to the control of juries, such a course would practically be impossible. Public opinion, under such circumstances, permeates all classes, and is as much an environment of and a condition of society as is the atmosphere of the earth. It regulates and controls within certain limits the actions of all persons and all classes. Neither the highest in the land nor the lowest can persist in disregarding it. It affects even the judges on the Bench, and the officials of the Government from the highest to the lowest.

It is the misfortune of Ireland that public opinion there is not allowed to have its legitimate influence or authority. It is repressed in most important respects by the Government with the aid of the Coercion Act. It is the very essence of the policy of the present Government to trample upon public opinion in Ireland and to pay no regard to it; and the cue thus given is followed and improved upon by every official, from the highest at the Castle, to the magistrates on the Bench, and to the lowest members of the Constabulary and to the meanest warders in the prison. Even the judges of the superior courts in Ireland never appear to pay that deference to public opinion which their brother judges in England are rightly, but not too openly, in the habit of doing.

It cannot, therefore, be matter for surprise that the landlords referred to, feeling themselves supported by the Government in their proceedings, should themselves disregard public opinion. But not the less their course appears to be most unwise even in their own ultimate interest. They cannot foresee what may be the end of the movement on the part of the tenants, which they have given rise to.

The same remarks apply equally to the Government. Whatever may be their view as to the criminality and immorality of the action of the tenants in continuing their



combinations, under the circumstances I have referred to, it may yet be unwise and impolitic to pursue their policy of repression, in the face of the manifestations of public opinion in Ireland.

What can be more marked than the difference in the treatment of such questions and in the attitude of the Government to public opinion in England as compared with that of the Government in Ireland? In England, in the course of the past autumn, a great strike occurred among the dock labourers in the East of London. There cannot be a doubt that in the course of this strike many things occurred in the proceedings of the men and their leaders which in a strict view of the case, and without regard to public opinion, might have subjected them to action on behalf of the authorities under the criminal law of conspiracy.

This is what the *Times*—certainly not a hostile critic of the Government—has said on the subject:—

‘No amount of official quibbling can get over the fact that there was a period of three or four weeks during which the ordinary safeguards of personal liberty were at least partially absent. Honest and industrious citizens were forcibly hindered from pursuing their lawful avocations by the employment of methods explicitly condemned by statute, and coming within the scope of the common-law doctrine of conspiracy. The owners of property valued at many millions sterling, and the conductors of a business upon which the community largely depends for the working of commerce and even the supply of primal necessities of existence, were forcibly hindered from exercising the elementary right of engaging willing labourers upon terms mutually accepted. It is not our business to distribute the blame for the failure of the machinery of administration. It is enough for our present purpose that, with a Conservative Government in power, and a Conservative Home Secretary in control of the police, the civil liberties which the police exist to protect

were suffered to fall in some very important particulars into abeyance.<sup>1</sup>

The explanation of this and the justification of the Government is that public opinion in London sided strongly with the dock labourers, believed that they had right on their side in their dispute with their employers, and would not have brooked a strict enforcement of the criminal law. The Home Secretary gave heed to this public opinion, and declined to allow the police to be used against the dock labourers, and winked at the breaches of the criminal law. He was justified in thus withholding his powers. A grave crisis might have occurred, having regard to the state of public opinion in London, if the criminal law had been enforced with all its rigour in the interest of the Dock Companies and against the labourers. Yet it was undoubtedly the fact that the cessation of work in the docks caused an enormous amount of public and private inconvenience and loss, and threatened London with a serious loss of trade.

Similarly, in the case of the strike of the bakers' men, much was said and done that might have subjected the men and their leaders to criminal proceedings and to severe punishment, if the law had been enforced with rigour. Mr. John Burns, at a great meeting in Hyde Park, made an impassioned speech, in which he implored his audience to 'boycott' the bakers' shops where the demands of the men were not conceded. Pickets of men were placed outside these bakers' shops, who advised intending purchasers not to deal there. No prosecution was laid against John Burns. In the single prosecution against the pickets two men were fined 40s. each. If these things had occurred in Ireland and had been directed against landlords and tradesmen, in their interest John Burns and the pickets would have been sent to prison for some months with hard labour, like John Fitzgibbon and others.

<sup>1</sup> *The Times*, October, 1889.

How different has been the action of the Government in Ireland ! Opinion there of all classes, except landlords, has been as strongly in favour of the demands of the tenants as that of London in favour of the dock labourers ; but the Government has paid no regard whatever to it. Instead of holding a neutral position in the dispute—instead of shutting its eyes to many things that almost necessarily take place in such disputes—they have thrown the whole weight of their power on the side of the landlords, in direct opposition to public opinion, and they have used the exceptional powers of the Coercion Act to prevent public opinion having its influence even through juries, and to punish every act that could possibly be brought within the meshes of the criminal law. Has this been wise and prudent statesmanship ? Has it been successful ? To the last question it may be doubted whether any case can be cited in which the Government has succeeded in breaking up a combination, or in compelling the tenants to yield, by means of the enforcement of the criminal law.

In no single case have they succeeded by the Star Chamber inquiries held under the Act in inducing any witnesses by threat of imprisonment to come forward and give evidence in open court as to a combination. They have never yet succeeded in convicting anyone for being engaged in a combination as to rent, though they have convicted and sent to prison many persons for advising these combinations. All the scores and hundreds of prosecutions and convictions in such cases as the Clanricarde and Olphert disputes have failed utterly to crush the tenants, or to put down the combinations, or to enable the landlords to obtain their arrears of rent.

As might have been anticipated by anyone with a spark of common sense, the prosecution, conviction, and imprisonment as common criminals of political chiefs such as William O'Brien, John Dillon, and twenty other members

of Parliament ; of priests, such as Canon Keller, Canon Doyle, Father McFadden, Father Stephens, and many others; of such local leaders as John Roche and John Fitzgibbon and countless others, have had exactly the opposite effect from that intended, and have done more to encourage the tenants in maintaining their combinations than to deter them from so doing. What settlements have been arrived at have been in spite of coercion, and not by reason of it.

Has the course, then, been marked by wise statesmanship? For nearly three years these cases have gone on, accumulating hatred, and outraging public opinion in ever-increasing intensity. To what purpose, and with what ultimate effect? The moral of such settlements as have taken place in the Vandeleur and other disputes is that the tenants who stand firm, and who resist the terrors of the gaol and the fear of eviction, will ultimately succeed, while by giving way singly they will be lost.

When we look to the future, these arguments are immensely strengthened. The number of evicted tenants now living in temporary huts and supported out of some central fund is believed to amount to nearly nine hundred. This band is likely to be doubled or trebled in the future, if the threatened evictions and the clearances of the Clanricarde, Ponsonby, and Olphert estates are carried out.

It is now certain that funds will be forthcoming sufficient to support these evicted tenants until the time when a general election shall occur. It is equally certain that there will be no flinching on the part of the tenants, still in possession and threatened with eviction. They will submit to eviction, no matter what terms are offered to them, unless those already evicted are reinstated upon the same terms. The whole of the Clanricarde, Ponsonby, Olphert, and other properties will be cleared of their tenants, if that be the intention of the landlords, and if that be the policy of the Government, sooner than the tenants will yield. Nor is

it in the least degree probable that any 'plantation tenants' will be found to occupy these evicted farms.

The question as to the ultimate fate of these estates will be adjourned till after the general election. What will then happen? It cannot be doubted that if the Government should be defeated at the general election, and if the Liberal party should come into power, one of the first tasks of the new Irish Government will be to settle this question of the evicted tenants, in respect of the estates where these disputes have occurred, quite independently of any other agrarian measure, which they may find it necessary to produce. It is, indeed, quite possible that legislation may not be necessary, and that agreement will be come to, by arbitration or agreement, as soon as the landlords discover that they will no longer be supported by a Coercion Act. But if legislation should be necessary to settle the question, and to impose compulsory arbitration in these cases, it will doubtless be forthcoming.

It may be confidently predicted also that in such case no serious difficulty will be experienced on those two properties, where alone there has been any attempt to plant them with new tenants. The 'plants' are of a very forced and hot-house order; they are bred of coercion, and they will in all probability wither away when this artificial stimulus and protection is removed. They have come into possession of the land without any payment for tenants' interest; they are supported by loans from political societies; they have no substantial existence. They will depart as easily as they came, with a loss only to these societies.

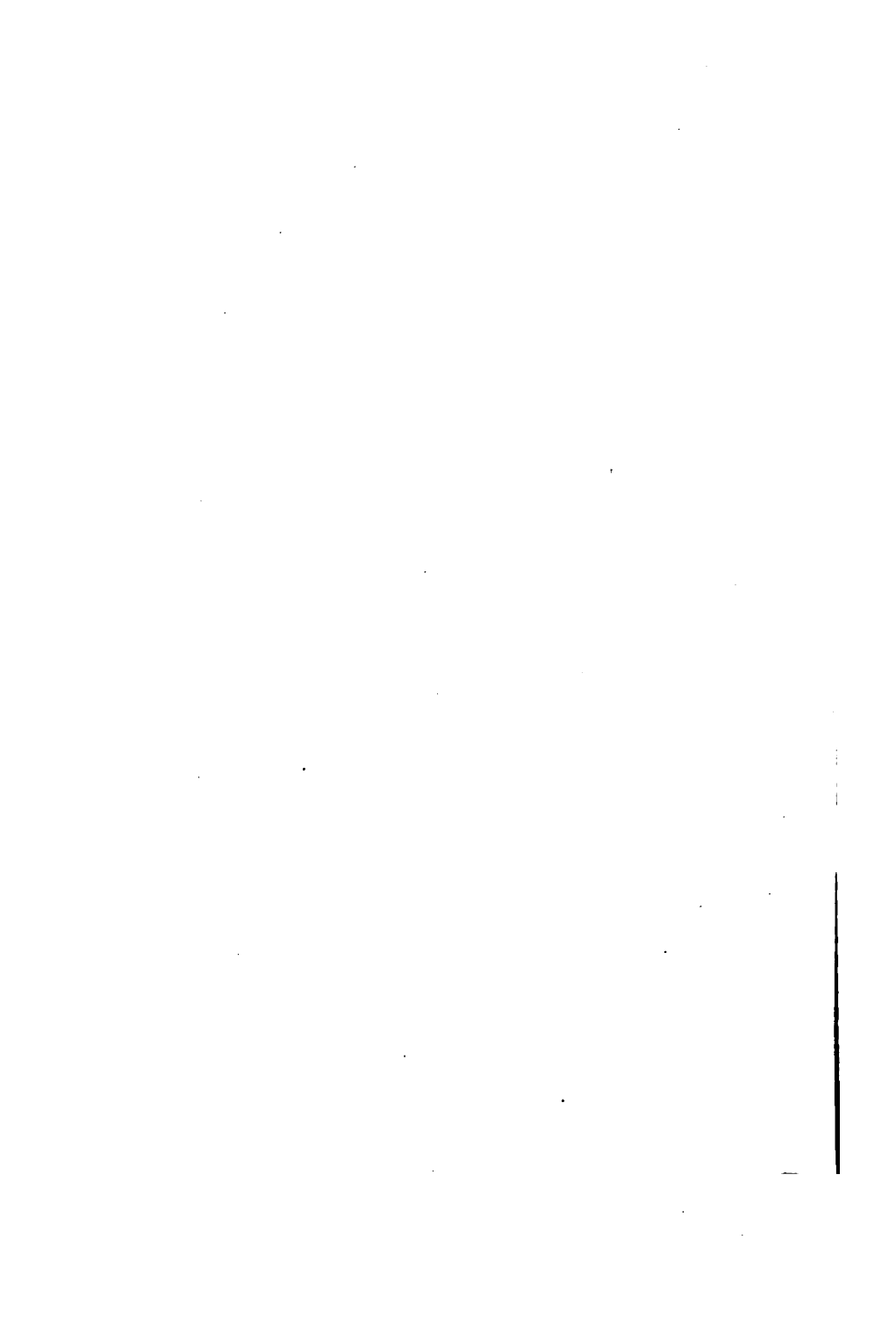
What, however, will happen in the alternative and unexpected event of the success of the Government at the polls, whenever the general election shall occur? By that time it is possible the evicted tenants will number over 2,000. They will all be living within sight of their former homes and holdings. Up to that time they will have been

sustained by the hope, and indeed the absolute certainty, that they would be reinstated in their farms. They have abstained from all acts of violence in the confident expectation that justice will be done to them. What will occur when these hopes are destroyed, and when the means of subsistence are no longer forthcoming? The past agrarian history of Ireland is full of illustrations of what we may expect from men driven to desperation, and who have lost all hope of redress. They will undoubtedly become the material from which secret societies and truly criminal organisations will be readily formed; they will be the cause of endless trouble to their districts and to the authorities. I have heard it suggested that the only way in which the Tory Government would ultimately be able to dispose of the difficulty would be to shoot them down or to ship them compulsorily out of the country.

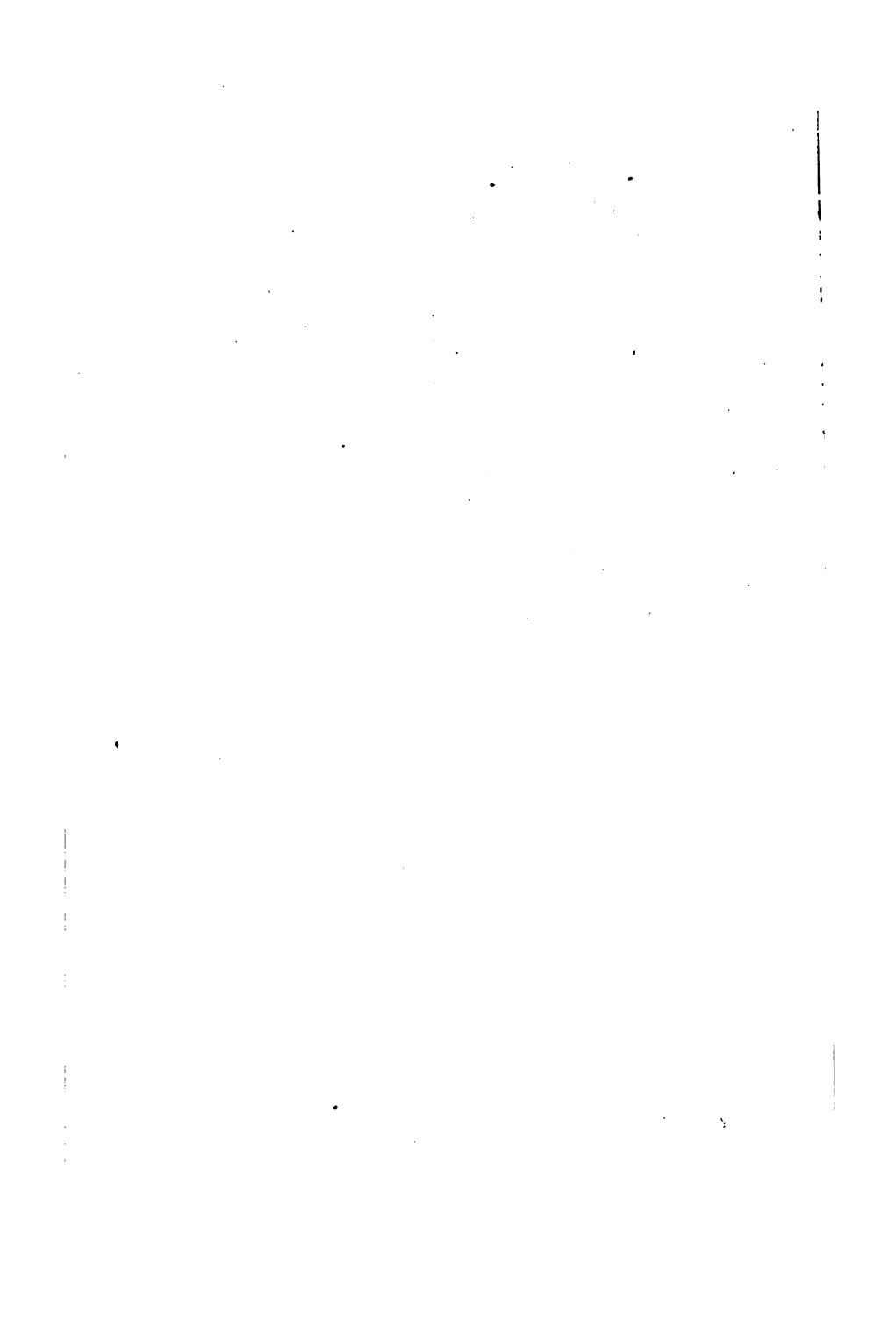
Surely, then, it would be the wiser policy of both landlords and Government, in prospect of either alternative, to take time by the forelock and to get rid of this difficulty. The landlords have it in their power to settle these cases by friendly arbitration. The Smith-Barry syndicate and other organisations of landlords would be acting far more in the interest of their order in promoting, advising, and assisting such settlements than by providing the means for securing a victory against combinations. It is impossible to suppose that the Government, with all its close relations with the landlord class, cannot use its influence in this direction, and induce or compel settlements in the remaining disputes.

Whether I am right or wrong in my view as to the legal and moral aspects of those cases where the landlords are prepared to yield on every point except that of the reinstatement of the evicted tenants, the Government would be justified as a matter of policy in bringing pressure to bear on these landlords to yield. It would be easy to do so by threatening to withdraw the exceptional assistance of the

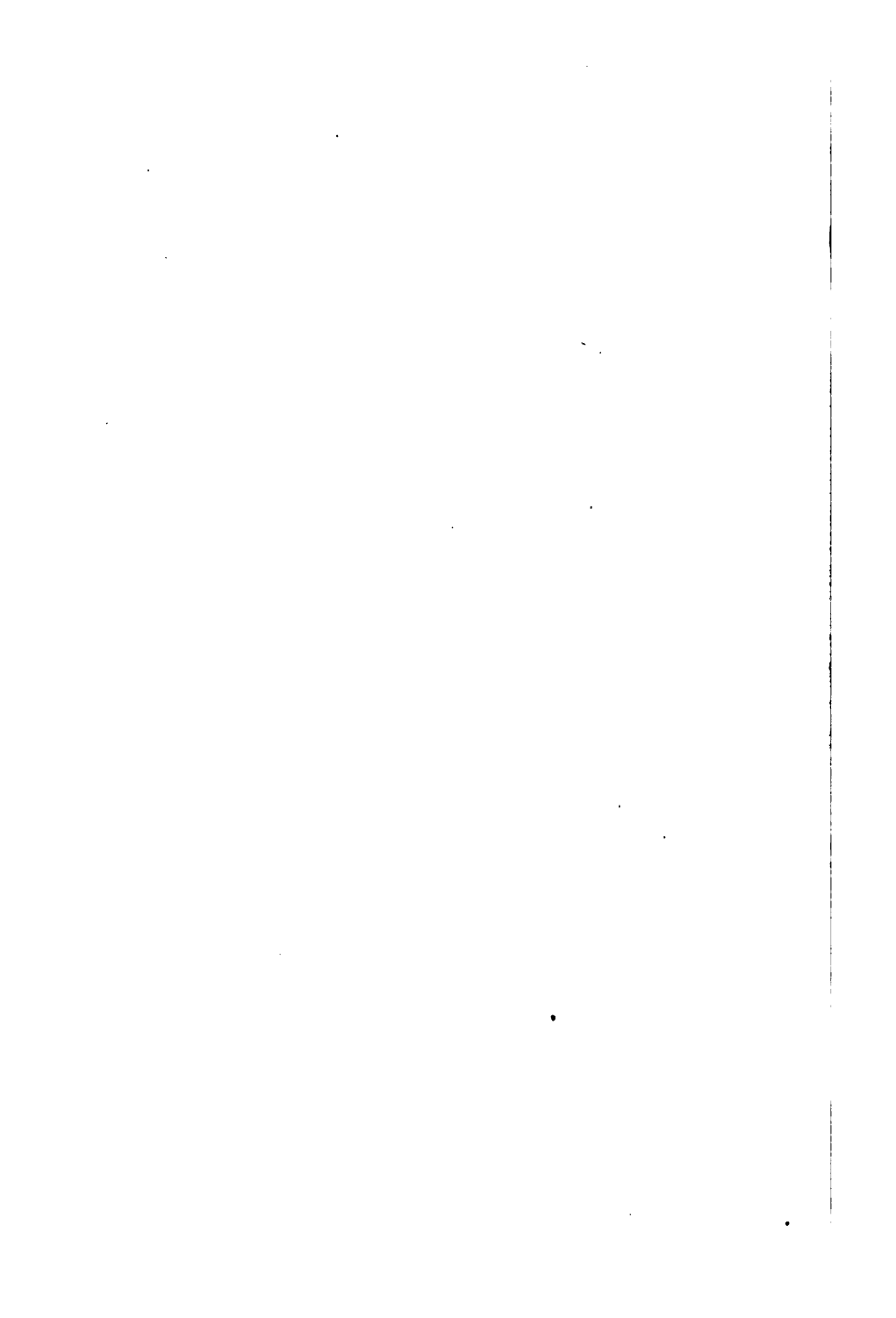
Coercion Act. In any case it would not be difficult to frame and carry a measure which would settle by some process of compulsory arbitration the few remaining cases in dispute, the dregs of the last agrarian movement, and, by restoring to their homes and farms the evicted tenants, make some concession to the all but universal opinion of the Irish people.











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